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# PLEASE RETURN

AN AGRICULTURAL NONPOINT SOURCE  
POLLUTION MANAGEMENT PLAN

STATE DOCUMENTS COLLECTION

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Prepared for  
Montana Department of Health  
and Environmental Sciences

Under Contract  
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PREPARED AND PROPOSED

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## INTRODUCTION

Concern for the quality of the nation's water prompted Congress to enact the Federal Water Pollution Control Act of 1965. This Act established a federal-state program of water pollution control. The program was implemented through a system of discharge permits which were based on water quality standards and pollution source load limits. Montana's participation in the program was made possible by a law passed in 1907 which gave the Montana Board of Health authority to control pollution where it affected domestic water supply. In 1955, the law was amended to protect other uses. This law established the Water Pollution Control Council and authorized stream classification and enforcement procedures. In 1967, the permit system was changed to allow the Department to issue waste discharge permits. After several years of program operation it was realized that further deterioration of the nation's water had probably been prevented but an improvement in water quality has not been achieved.

In response to the apparent stalemate in water quality improvement, Congress amended the law in 1972. The new law is referred to as the Federal Water Pollution Control Act of 1972 or Public Law 92-500. Two of the objectives of the Act are of particular significance in this discussion of a Statewide Waste Treatment Management Plan:

- a. Section 101(a)(2) "it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish,

and wildlife and provides for recreation in and on the water be achieved by July 1, 1983". This objective statement has been abbreviated in daily usage to "swimmable and fishable water by '83'";

- b. Section 101(a)(5) "it is the national policy that area-wide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each state".

To achieve swimmable and fishable water by 1983 and elimination of all pollutants by 1985 will require the control of agricultural activity sources. This mandate is explicitly stated in Section 208(b)(2)(F) "a process (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources", the Environmental Protection Agency has taken the position that it may require a regulatory program for control of nonpoint source pollution. This authority is contained in Section 208(b)(2)(c), "The implementation of a regulatory program to - (i) implement the waste treatment management requirements of section 201(c)". Section 201(c) reads, "To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including in place or accumulated pollution sources".

The attempt to regulate nonpoint sources is a new and different experience in water quality control. Public Law 92-500 is explicit

in prescribing a regulatory program for point sources of pollution through the discharge permit system, National Pollutant Discharge Elimination System (NPDES). The discharge permit system is administered in Montana by the Department of Health and Environmental Sciences (DHES) through the Montana Pollutant Discharge Elimination System (MPDES). Public Law 92-500 does not provide a mechanism for regulatory control of nonpoint sources of water pollution. Klinger in his review of Public Law 92-500 states, "It is important to note that the FWPCA does not provide for a federal regulatory scheme dealing with non-point sources of pollution". Point sources of pollution can be controlled through a permit system, because the effluent can be treated at the discharge point and the plant performance monitored in terms of established water quality standards. It is recognized that most nonpoint pollution sources resulting from agricultural activities do not lend themselves to either end-of-pipe treatment or discharge monitoring as a measure of compliance with water quality standards. (A permit system for control of pollution from animal confinement facilities and irrigation return flows has been considered workable. The permit system for animal confinement facilities has been implemented in Montana, but it has not been applied to irrigation return flows). And now with the passage of the Clean Water Act of 1977, return flows from irrigated agriculture have become part of the nonpoint source 208 program. The important distinction between point and non-point pollution sources is the difference in the approach to the waste management problem. Point source waste management is regulated through the permit system because end-of-pipe

treatment is the solution. Application of best management practices (BMPs) in lieu of discharge permits is proposed by the Environmental Protection Agency as a mechanism for regulating nonpoint source pollution. It is this concept of nonpoint source waste management that has resulted in the involvement of the Montana Association of Conservation Districts (MACD) and the Conservation Districts in the formulation of a Statewide Waste Treatment Management Plan.

It is stated in the foreword of the joint publication of the U. S. Environmental Protection Agency and the National Association of Conservation Districts (NACD), entitled Conservation Districts and 208 Water Quality Management, "In published regulations and various other statements, EPA has articulated its policy that existing local entities, such as conservation districts, should play a leading role in helping to develop and implement state and areawide water quality management plans". Conservation Districts are well qualified to play this leading role in developing that portion of a statewide and areawide Section 208 Water Quality Management Plan which pertains to control of agricultural nonpoint source pollution. Districts have had four decades of experience in coordinating the soil and water conservation activities of state and federal agencies into district programs. The Department of Health and Environmental Sciences (DHES), Environmental Sciences Division, Water Quality Bureau, has been assigned the responsibility for developing a statewide water quality plan. In the work plan the Water Quality Bureau is relying on the Montana Association of Conservation Districts (MACD) for an implementation plan for control of sediment from rangeland,



pasture and cropland. The MACD contracted to conduct an agricultural nonpoint source assessment for the purpose of: "(1) to ascertain within the study area the type and extent of water quality problems resulting from agricultural practices; (2) and formulate an acceptable, cost-effective management program to deal with the general types of problems identified". The assessment of problems was made by completion of a questionnaire. The information will be used to determine the extent of land activity related water quality problems on a statewide and district basis. The type and extent of the problems reported will determine the selection of the best management practices and the estimated cost of implementation.

MACD, by resolution of its Board of Directors, on February 15, 1978, recommended Montana Conservation Districts become the lead agency for the implementation of a nonregulatory statewide 208 nonpoint source pollution control program. The MACD feels that an educational/nonregulatory approach is the best way to solve Montana's current water quality problems and prevent further deterioration of the state's high quality waters. Further MACD believes soundly in the principle of local control especially in an area with such geographical and climatic diversity and so many different land uses as Montana.

Montana's Conservation Districts and MACD have been involved in the wise use and conservation of our state's soil and water resources for the last forty years and it is only logical as an extension of their ongoing district conservation programs that local conservation districts can most effectively bring about

a solution to our critical water quality and related resource problems. Some examples of their efforts are:

1. MACD and Conservation Districts (CD) support for the prevention of streambed and stream channel degradation culminated in passage of the Natural Streambed and Land Preservation Act of 1975 (SB 310).
2. Hill County CD and MACD's efforts to initiate and get passed the Montana Rangeland Resources Act for the protection of grasslands as a valuable economic resource and also as watershed protection to insure adequate clean water for future use.
3. Entering into a contract with the DHES to prepare the statewide 208 Ag NPS assessment and to recommend a state plan.
4. Annual Work Plans and District Long Range Plans in every county of the State to educate, inform and encourage conservation of soil, water and related resources.

Certainly any program in which districts are involved as with any individual or organization is limited by the amount of funds available and a 208 Nonpoint Source Program would be no exception. In that light MACD and local Conservation Districts are committed to seeking such funding from federal, state and local sources as may reasonably be expected and will allocate these funds to education, administration and critical 208 problems on a priority basis. Conservation Districts in Montana have already begun to revise their Long Range Plans and Annual Work Plans to prioritize critical problems and redirect the

technical assistance of the Soil Conservation Service and other assisting agencies toward those problems - all this has begun without federal monies being passed on to local districts.

(See Exhibit A - Beaverhead Conservation District Plan.)

## DISCUSSION OF IMPLEMENTATION OPTIONS

Any discussion of 208 implementation options centers around regulatory programs, the MACD is recommending that the statewide nonpoint source 208 plan be one that utilizes a nonregulatory education/incentive approach. We recognize that districts may encounter severe problem areas that may only be handled through regulation of land use or at least the use of certain BMPs for particular land uses. In such cases the Montana Conservation District Law (Section 76-109, R.C.M. 1947) provides districts the authority to establish necessary land use regulation ordinances. Such ordinances must be approved by a majority of votes cast in a district referendum. This regulatory authority had not been used by Montana Conservation Districts prior to the passage of the Lewis & Clark County Conservation District Ordinance, 77-01 in 1977. This ordinance provides a permit system for soil erosion and sediment control of timber harvest, construction and subdivision activities. Under the Lewis & Clark ordinance, agricultural users will be considered in compliance if they have a district approved conservation plan or their farming practices meet or exceed the district's Best Management Practices. The ordinance provides that "Land occupiers, supervisors, or state and county officials responsible for maintenance of water quality in a district, may file a complaint against any person, alleging that accelerated erosion and sediment damage has occurred or is occurring". (Section 11(a)). The ordinance option also allows sufficient flexibility for districts to establish an

ordinance for a certain problem, pollutant and/or geographic area as well as an ordinance as encompassing as the Lewis and Clark Ordinance.

On the other hand districts have had experience planning and implementing a voluntary educational/incentive program for conservation of our soil and water resources since the Dust Bowl days. These programs have included cooperative efforts with other governmental agencies and private organizations to conserve soil and water, protect watersheds, streams, streambanks and wildlife habitat. Districts have long maintained that agriculture, when using good conservation practices, can be compatible with and have minimal impact on other uses of our resources.

Such conservation efforts have centered around a number of activities. First, districts have been the vehicle for providing technical assistance from the SCS to farmers and ranchers throughout the state. Second, they work with state and local ASCS committees on which conservation farming practices should be cost-shared under federal farm programs. Third, districts have maintained an ongoing educational program with the general public including young people. An example of the youth program is the local, area and state speech contests sponsored by districts to encourage young people to find out about and get involved in the conservation movement. The 1977 MACD Convention chose "Conserving Montana's Waters - Quality and Quantity" as the speech contest topic for 1978. Fourth, MACD has a continual lobbying and education effort with state departments, the Governor's office, the state legislature, and a once per year

trip to Washington, D. C. to meet with the Congressional delegation, federal agencies, the executive branch and extend invitations to them for tours of Montana, including problems and good corrective actions on the ground.

As problems and priorities change, districts too must change, and now we are faced with the challenge of Section 208 of PL 92-500 nominally referred to as "Swimmable and fishable water by 1983".

The MACD Board of Directors after much discussion has chosen to recommend a nonregulatory approach for conservation districts. We would like to discuss our reasons for not recommending a regulatory program.

In December 1977, MACD and DNRC, with the cooperation of DHES held 208 informational meetings in every conservation district in the state. At those meetings we discussed the alternatives with the district supervisors, state legislators and interested citizens. In addition a director representing his regional area attended the meetings in his area. A questionnaire was left with each district asking whether the district wanted to administer 208 and if so by a regulatory, nonregulatory or a combination of the two programs approach. All 58 Conservation Districts replied they would accept 208 administration but only five districts agreed to a regulatory approach, 51 wanted a nonregulatory or combination and two wanted some other program.

After holding these meetings and discussions, it became apparent that there was little local support for conservation district sediment control ordinances and further that there was only limited support for a statewide sediment control law. Even

in the five districts which favored a regulatory program there was much doubt that such an approach would receive the kind of political support needed to get it passed.

In order to pass sediment control regulation at either the state or local level a massive and costly educational effort would have to be mounted if Lewis & Clark County Conservation District can be used as an example. There are some districts that couldn't pass an Ordinance even with that amount of money. We feel that the time, energy and money involved in such a campaign could better be spent on raising people's consciousness about water quality in general. All too often when regulatory methods are implemented many people see only the minimum standards and lose sight of the overall goal which in PL 92-500 is water quality.

MACD realizes that too many, probably the majority of the people, don't know what 208 and nonpoint source water pollution are, how the program affects them, how things they do affect water quality, or what can be done about it. The nonregulatory education type approach is a necessary component for making people aware of the problem and what their part can be in resolving the problem. Further, the key findings of the "Black Creek Project" Allen County, Indiana, which addressed the "Environmental Impact of Land Use on Water Quality" support our decision. This five-year study funded by EPA had several key findings of which we will quote four:

- (1) A voluntary program with sufficient incentive payments and technical assistance, can achieve significant land treatment aimed at improving water quality. Regulations or the threat of regulation may be required to achieve treatment on lands owned by the relatively small number of non-cooperators.

- (2) Public information is critical to successful land treatment programs. Landowners and the general public should be kept informed on all phases of a particular program from conception through planning to implementation.
- (3) Farm-by-farm erosion control plans are essential in programs of water quality improvement. The plans should be simple in format and selective in approach. Obligations of participating farmers should be clearly delineated.
- (4) Traditional cost sharing programs, based on a fixed percentage payment for every practice, are not adequate to sell best management practices for water quality improvement. While an overall average might be set, local districts should have the responsibility to set the rate on individual practices.

In recommending a nonregulatory approach the MACD fully recognizes the constraints and goals necessary in order to have a plan approved by EPA as set forth in the SAM 31 memorandum. The EPA has stated that "full or conditional approval shall be given only when the following conditions have been met:

- a. Identification of Best Management Practices;
- b. Agreement on schedule of milestones, such as implementation, monitoring, and program evaluation;
- c. Provision of an effective educational program to inform the affected public of the requirements;
- d. Provision of adequate technical assistance and financial assistance, if needed;



- e. Agreement to reporting system (at least annual) to the Regional Administrator on progress made in implementation.

This section was written following the outline shown on page 164 of "Conservation Districts and 208 Water Quality Management" written by William B. Davey for the National Association of Conservation Districts under an Environmental Protection Agency Grant. The purpose of this section is to give an overview of the time frames that the Montana Section 208 Agricultural Nonpoint Source Program has and is working under for the sequence of events that that document discussed.

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OVERVIEW OF SEQUENCE OF EVENTS FOR  
SECTION 208 AGRICULTURAL NONPOINT SOURCES

STATE LEVEL	Estimated or Actual Completion Date	40 CFR Part 131.11 Elements
1. Task Force Organization.		
Gov. Judge has appointed a Montana 208 Advisory Committee including agricultural representatives	Spring 1978	
2. Data Inventory & Analysis		
The Montana Association of Conservation Districts under contract with DHES is preparing a statewide agricultural nonpoint source inventory & analysis.	Spring & Fall 1977	(b), (d)
3. Nonpoint Source Problem Area Designations.		
MACD under contract with DHES has prepared a statewide 208 assessment and cooperated with designated 208 areas.	Ongoing	(b)
4. Local Level Guidelines.		
The Department of Natural Resources, Conservation District Division, is preparing a revision of CS Long Range Plans Guideline" to include water quality	Spring 1978	

LOCAL LEVEL	Estimated or Actual Completion Date	40 CFR Part 131.11 Elements
5. Task Force Organization.		
Local Conservation District Board of Supervisors have functioned as a local task force.	Ongoing	
6. Nonpoint Source Problem Area Designation Review.		
Local CDs are actively participating in 208 Designated Areas throughout Montana.	1975-78	(b), (d)
7. Nonpoint Source Problem Identification.		
A questionnaire designed by MACD, DHES and the Lewis & Clark CD was distributed to all local CDs in the statewide area. Questionnaires were filled out by supervisors with technical assistance from the Soil Conservation Service and other agencies and interested individuals.	Summer 1977	(d)
8. Nonpoint Source Control Needs.		
Local CDs with advice and counsel from DNRC are revising and updating Long Range Plans to identify critical problems associated with water quality.	1978 - Ongoing	(j), (o)
9. Report		
Local CDs will submit copies of their Long Range Plans to DNRC and DHES for their review.	Winter 1978 Ongoing	(j), (o)

STATE LEVEL	Estimated or Actual Completion Date	40 CFR Part 131.11 Elements
10. Review of Local Level Reports		
DNRC, CD Division, will review all District Long Range Plans. DHES, through Memorandum of Understanding, may also review.	Spring 1978 Ongoing	
11. Compilation of Statewide Nonpoint Source Control needs.		
MACD in cooperation with DNRC will prepare and advise local CDs.	Ongoing	
12. Nonpoint Source Program Formula- tion.		
MACD will formulate recommenda- tion to DHES with advice and counsel of DNRC, CD.	Winter 1977 Spring 1978	(j)
13. Recommended Nonpoint Source Program		
MACD will present their recommen- dation to DHES	Spring 1978	(m), (n), (o)

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STATE/LOCAL LEVEL

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14. Nonpoint Source Implementation.
- Local Conservation Districts with the support, advice, counsel and guidance of MACD, DNRC, DHES and other cooperating State and Federal agencies and interested private parties will implement a nonregulatory nonpoint source program with the option of an ordinance developed in the manner that the Lewis & Clark County CD Ordinance was. The CDs with the support of the above mentioned will be continually striving for more institutional and financial support and better educational systems.
- Spring 1978  
Ongoing
- (m), (n), (o)

PLANNING AND BMPs

There is a challenge in Section 208 of PL 92-500 that in its acceptance can offer an opportunity for giving new direction and vigor to the achievement of the soil and water conservation goals of the Conservation District. To assist districts in the development of the local aspects of a pollution control program, a model of the planning process is offered in Figure 1.

The Steps 1 through 6 represent key elements of the MACD suggested plan.

Step 1. The emphasis on identification of problems should be on sources of soil erosion and sediment pollution from agricultural land but not to the point of exclusion of consideration of other major nonpoint sources.

Step 2. In order to assign program priority to problems and to select effective Best Management Practices (BMPs) it is important to analyze and describe the problem setting. A precise description of the factors which are associated with critical sediment pollution problems can provide the basis for uniform land use and management standards. The transport potential is an estimate of the percentage of the soil displaced by erosion which is in fact discharged into a water body. This transport ratio estimate can be an important factor in prioritization of problems. The pollution problem generated by severe soil erosion on 10,000 acres of dry cropland located 50 miles from a perennial water body may be less severe than the pollution from one mile of eroding streambank.

## PLANNING PROCESS

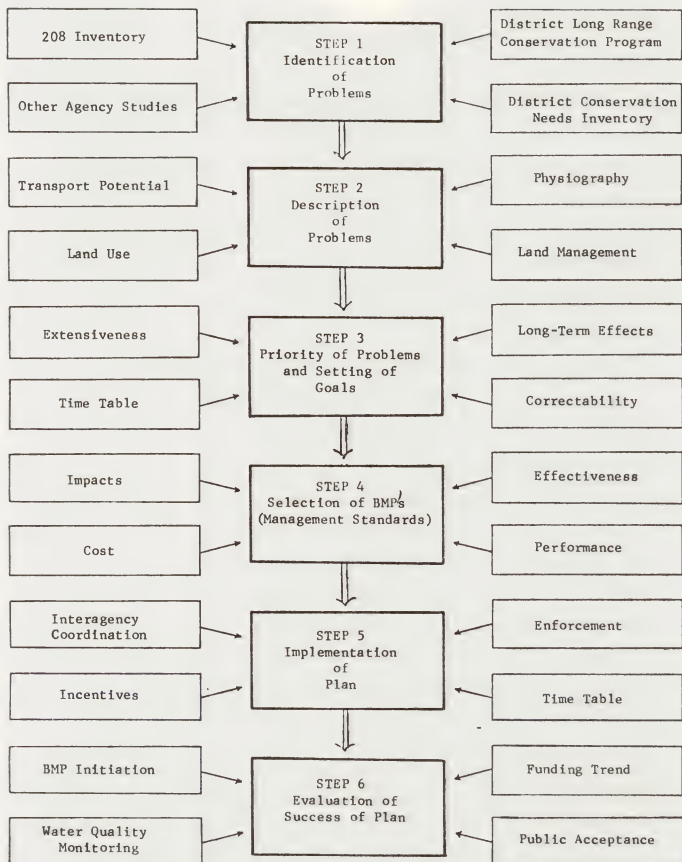


Figure 1. An approach to the planning process for developing an Agricultural Non-point Source Pollution Water Quality Plan at the State and/or district level of government.

Step 3. Achievement of the goal of eliminating all pollutants from navigable waters by 1985 is not expected to be accomplished in 1978. Within the resource capabilities of the district those problems which present the greatest long-term irreversible effects on natural and man-made water bodies should be attacked first. A time table for implementation of control measures should be part of the district plan.

Step 4. After identification, description and prioritization of the problems the appropriate Best Management Practices (standards) will be selected for each problem. Districts will adopt practices, standards and specifications chosen from SCS and other agencies lists to meet their particular local needs. A BMP must be judged effective in correcting the problem and should be evaluated for positive and negative social, economic, institutional and environmental impacts. It should perform with a minimum of operational problems. Finally, the cost of implementation must be weighed against the anticipated benefits to the land occupier and/or society.

Step 5. The corrective measures (BMPs) must be brought to bear on the selected agricultural nonpoint pollution problems in accordance with the established time table.

Step 6. Provision must be made in the implementation plan for evaluating progress in achieving the water quality goals. Since analytical data on changes in the quality of water being discharged from agricultural land is not likely to be available in the near future, the implementation success must be monitored indirectly. Some unit measure of the progress being made in the

application of Best Management Practices to the critical problems, progress in interagency cooperation, funding trends and surveys of public acceptance, will have to serve as progress evaluation criteria.

The role of state agencies and the Conservation Districts in the implementation of a statewide nonpoint source water quality management plan is charted more fully in Figure 2 on page 4-7.

To facilitate and insure that each local plan meets the requirements for an EPA approved statewide plan we suggest that memorandums of understanding be established between MACD, DHES, DNRC and other agencies which will have involvement. These memorandums are in the discussion stage now and shall spell out the responsibility of each and the coordinating, advising and assistance role each agency will play in the statewide plan. Sample agreements are attached as Exhibit B.

Conservation Districts, DNRC and MACD are all obligated to the same objective of soil and water conservation but in actuality are separate components of the movement to achieve that objective. They are closely related and even overlapped in many cases. The following discussion will explain the purposes of each. Conservation Districts are legal subdivisions of state government responsible under state law for conservation work within their boundaries. They are to focus attention on land, water, and related resource problems, to develop programs to solve them, and to enlist and coordinate educational, technical and financial help from all public and private sources that can contribute to accomplishing the district's goals.



DNRC administers the Conservation District law by assisting districts in the carrying out of their powers and programs, keeping districts informed about activities and experiences of other districts, coordinate district programs through advice and consultation, securing cooperation and assistance from other state and federal agencies and providing legal counsel to districts as needed.

MACD was established to provide an organization through which Montana's Conservation Districts can work together to solve resource problems. The Association is a voluntary nonprofit organization funded by dues from participating districts. It was set up for the purpose of lobbying for conservation interests, representing districts in state and national level meetings, keeping districts informed of decisions which can affect their work and generally promote and make districts and their objectives known to the public.

(The responsibilities of each are further discussed in Exhibit B.)

The Key Agency at the State level is the Department of Natural Resources and Conservation, Conservation District Division (DNRC). It is that agency which will be working most closely with Conservation Districts in developing their water quality management plans. DNRC is already preparing guidelines for districts to use in writing their Long Range Plans to include Water Quality. (Draft Guidelines-Exhibit C).

In addition, DNRC should assign one staff person to work as a 208 statewide coordinator to assist districts with the 208 program. Such a coordinator would also work directly with other state and federal agencies to coordinate the state level program,

in particular with DHES to insure that each district's plans meet state and federal water quality rules or regulations under PL 92-500. In designated 208 areas the coordinator's task will be to assist districts in working with the 208 designated management board or agency.

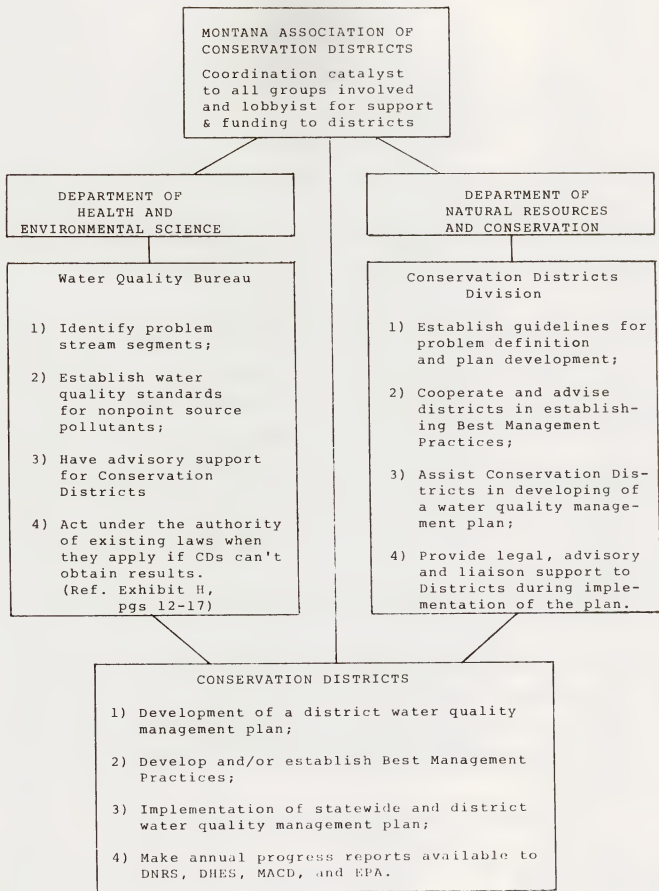


FIGURE 2. The role of MACD, State Agencies and the Conservation in the implementation of a statewide nonpoint source Water Quality Management Plan.

### IMPLEMENTATION

The key elements in a nonregulatory program for nonpoint source pollution are information/education; institutional arrangements through memorandums of understanding, incentive and financial considerations, and program evaluation/monitoring. Further, these key elements must be able not only to address the major heading of erosion and sedimentation but also the associated pollutants, saline seep/salts, organic wastes, nutrients, pesticides and fertilizers.

The first element, education/information, is the most important and will include the districts ongoing program, redirected efforts to 208 and water quality, aid demonstration through on farm use of best management practices. In the past districts have generally waited for farmers and ranchers to come to them. In order to make the 208 program effective, supervisors are going to have to actively seek out farmers and ranchers with critical problems.

The districts ongoing educational program has been geared to reaching people at annual conservation day meetings, public tours, regular district monthly meetings and specific programs to farm groups, schools, churches and other civil organizations. Such programs will continue and be expanded to include 208 and water quality. An outline of a public information program is as follows:

I. Create Public Awareness of PL 92-500

A. goals of clean water by 1983;

B. passed by Congress in 1972;

C. point and nonpoint sources.

## II. Nonpoint sources

A. Agriculture;

1) examples

B. Silverculture;

C. Construction;

D. Urban runoff.

## III. Identify Local Problems

A. Agriculture

1) dry cropland

a) sediment erosion

b) saline seep

2) rangeland

3) confined feeding areas

4) irrigation return flows

5) streambank erosion

6) organic wastes/nutrients

7) nonorganic pesticides and fertilizers

## IV. Selection of BMPs to solve the problem

A. SCS technical assistance

B. SCS standards and specs.

C. Other agencies management practices

## V. Cost Shares/Incentives

A. Agricultural Cost Sharing (PL 95-217, Section 35) 1977

B. Agricultural Stabilization and Conservation Service's  
ACP Cost-Sharing Program

- C. Soil Conservation Services Cost-Sharing Programs  
Great Plains, Watershed, etc.
- D. Other - State Lands, Forest Service, Bureau of  
Land Management, State Cost-Sharing Program, etc.

We mentioned that a redirection of a district's activities will be necessary to make a 208 program work. Since supervisors are unpaid, and actively engaged in their own farming operations, the amount of their time available for day-to-day work on a 208 program is very limited. Because of those limitations, the MACD recommends that districts seek their own staff. We recognize the budgetary restraints that districts are faced with and will do everything we can to seek funding for districts. Currently the DNRC is working on a draft job description for a district manager, and it will be made available to districts. Certainly one of the duties of such a staff person would be to get out on the land and work with farmers and ranchers who have critical problems.

The second element, institutional arrangements, will be implemented through memorandums of understanding with various government agencies and districts. On the state level such agreements will be between MACD, DNRC and other state level departments. Locally, agreements will have to be reached between agency field offices and districts.

The primary agencies involved from the state are the Departments of Natural Resources and Conservation, Health and Environmental Sciences, State Lands, and Fish & Game. The primary Federal agencies are the Environmental Protection Agency,

Soil Conservation Service, Agriculture Stabilization and Conservation Service, Extension Service, Forest Service, Bureau of Land Management, and the Fish & Wildlife Service.

The MACD urges the DNRC and DHES to begin work immediately on Memorandums of Agreement between their departments and Districts. We have attached sample memorandums of agreement (Exhibit B) for other agencies and Districts but expect that the details will have to be spelled out by the agencies involved. MACD will assist with those endeavors whenever we can and use whatever resources are available to bring about such agreements.

The third element, incentive and financial considerations, is really going to be the bottom line on which all districts programs hinge. The MACD has actively lobbied both at the federal and state level for more funding for districts. Specifically, we have worked in conjunction with the NACD to secure passage of the Clean Water Act of 1977, which includes Section 35, "Agricultural Cost Sharing". On the state level we asked the legislature at the 1977 Session to provide funding for the district's administration of the Montana Streambed and Land Preservation Act and we plan to continue our efforts in that direction. MACD is also looking into changes in the Montana Conservation District Law which will increase Conservation Districts budgets from the County.

Currently the main source of funding for incentives is the ACP administered by the ASCS through county committees and the Great Plains Program administered by SCS in 39 of Montana's eastern counties. Districts have always been informally involved

with the ASCS county committees but in 1978 they were asked for formal comment and suggestions. As districts begin to implement their plans and identify critical problems (emphasis on water quality), we anticipate that BMPs will be included wherever possible that can be cost shared under the current ACP and GP Programs.

Certainly the future of the PL 95-217, section 35 money (See Exhibit D) is, and will be, the cornerstone for district's incentives and financial considerations. As that money becomes available, district programs will reflect that funding and should grow and enlarge in areas with critical water quality problems.

The final element of a nonregulatory program is program evaluation monitoring which is discussed in the next section of this proposal.



PROGRAM EVALUATION

Point source water pollution offers virtually no problems for program evaluation and monitoring. It is relatively an easy task to take water samples from a pipe or point discharge and determine the amount and type of pollutant.

Not only is nonpoint source pollution much harder to identify but it is also much harder to monitor effectiveness of management plans.

The MACD is well aware of the technical problems associated with site specific monitoring for nonpoint source pollution and for that reason recommends a two-pronged approach to program evaluation monitoring.

First, stream-by-stream site specific water quality baseline data is currently maintained by the Montana Department of Fish and Game and Department of Health and Environmental Sciences and should be continued by those departments. This information should be made available to Conservation Districts at the start of a 208 Nonpoint Source Water Quality Management Plan in a usable form. Within a 3-5 year period new data should be collected and evaluated. Any changes should be noted and passed on to Districts for their use in preparing a program evaluation.

Second, Conservation Districts can best provide a program evaluation by compiling annual reports of BMP selection and implementation. One example of such a report is attached as Exhibit G. These reports will be sent to DHES, DNRC, EPA and other interested parties for review and comment. Included

in the program evaluation should be information on water quality of streams in the district provided by Fish and Game and DHES. These reports should be brief yet specific enough to pinpoint successes or needed modifications in the district's water quality management program.

The details of a program evaluation as with some of our other recommendations will have to be worked out through the memorandums of understanding between districts, DHES and DNRC.

## NON-COMPLIANCE

The MACD does not anticipate that individual land occupier non-compliance with Conservation District water quality management programs will be extensive or widespread. We, the MACD, with the help of DNRC and DHES will do everything we feasibly can to make the nonregulatory 208 program a success. But we also recognize that there may be a few individual landowner/occupiers who, for a variety of reasons, refuse the District's help.

In order to document a non-complier, Districts should:

1. Keep accurate records of contacts with land occupiers;
2. Document any refusal of District assistance and maintain file in the District Office;
3. Notify DNRC that the District is having a problem with a landowner/occupier and ask for assistance in the form of technical and legal expertise and advice from DNRC;
4. After all the above steps have failed, the District shall notify the landowner/occupier by certified letter that the district has tried to assist in the solution to his problem with no cooperation. The notice shall give the landowner/occupier 10 days to come to the district office and show some good faith effort to cooperate. If the land occupier refuses to come in or cooperate within the 10 day period, the district shall notify DHES for investigation and possible consideration under existing Montana Water Quality Laws. By the time a problem gets this far it should be of great enough severity to be

covered by some other law and by notifying DHES the district is saying that they have expended as much time and funds as is feasible and are going to move on to other priority problems. A sample form that districts may use is attached as Exhibit E.

In addition to recognized non-compliance problems, Districts may adopt a complaint procedure such as the one from the Lewis and Clark CD Ordinance. The complaint procedure would allow a more formal active role both for the public, and other state and local officials responsible for water quality maintenance. A copy of the modified complaint procedure is included in Figure 3.

COMPLAINT PROCEDURE

## A. Definition

- 1) Water Quality Problem - means a problem readily noticeable by visual observation or supported with physical monitoring data.

## B. Complaints

- 1) Land occupiers, supervisors or state and county officials responsible for the maintenance of water quality in the district, may file a complaint against any person alleging that a water quality problem has been or is being created.
- 2) The complaint shall: (1) include the name and address of the complainant; (2) be in writing, signed, notarized, and delivered to the district office if the district has an administrative assistant or to the chairman of the Board; (3) include the date and location of the alleged violation; (4) describe the source, nature and extent of the (water quality problem) alleged to have occurred or is occurring; and (5) become public record on file at the district office.

## C. Action Initiated by Complaints

- 1) The supervisors of their designated representative, upon the receipt of the complaint conforming with Section B of the Complaint Procedures shall notify the alleged violator as soon as possible after receipt of the complaint and arrange for a time with the land occupier or his designated representative to explain what 208's purpose is, what brought it about, district's involvement in it, the present laws that can be used to promote 208 implementation, the future of 208 and assistance available through the District to resolve the complaint and the problem. The complaint will be investigated at this meeting also.
- 2) The meeting will take place, preferably on the site for which the complaint was filed. At this time the problem can be explained in detail, the alternatives available to remedy the water quality problem can be discussed, and technical assistance and cost-share funding can be discussed and planned into the action decided upon.
- 3) Where the supervisors determine that a water quality problem does not exist or that the best available BMPs,

considering feasibility have been applied, the land occupier shall be so notified in writing within five working days of that determination with a copy to the complainant.

- 4) Where the supervisors determine that a water quality problem has occurred or is occurring, they will proceed to seek a voluntary solution to the problem using the discussion in section C, part (2) as a basis.
  - (a) The Complainant will be notified of the action being taken.
- 5) The District will work at obtaining the corrective action taken in a timely manner.

### CONCLUSION

"Conservation districts are uniquely equipped to help plan, manage, and implement portions of the state and areawide water quality management plans, particularly those related to the non-point pollution source aspects of erosion and sediment control, animal waste management (organics), and irrigation water management (salts). Under their assigned responsibilities, they have not only perfected working arrangements with a host of federal and state agencies, institutions, and groups, but have developed a widespread and effective delivery system as well"

"The establishment of effective 208/conservation district working relationships would aid materially in developing and implementing sound water quality management plans designed to reach the water quality goals of the Federal Water Pollution Control Act Amendments of 1972."

Conservation Districts and 208 Water Quality Management  
Joint publication of EPA and NACD.

The MACD believes that with the submission of this report a formal first step has been taken to insure that Montana's rivers and streams will attain and maintain good water quality. We look on 208 as a challenge just as we looked on the original soil conservation movement. We are assured that Montana's Conservation Districts can and will do the kind of job required to make and keep our waters clean.

Our recommendation leaves many of the details of our agricultural nonpoint source program to be worked out between the DNRC, Districts, and the DHES, with assistance from the MACD. We believe that such a process is necessary in order to provide the best possible statewide program for Water Quality and to be compatible with the total 208 Water Quality Plan.

REFERENCES

1. Black Creek Project - Allen County, Indiana.  
A five-year study done by the Allen County Conservation District as a result of an EPA Grant. The study addressed the "Environmental Impact of Land Use on Water Quality." The technical volume is available through the Allen County Conservation District, Executive Park, Suite 103, 2010 Inwood Drive, Fort Wayne, Indiana 46815.
2. Davey, William B. - Conservation Districts and 208 Water Quality Management.  
Prepared by U.S. Environmental Protection Agency and National Association of Conservation Districts under EPA Grant No. T90057401-0.
3. Federal Water Pollution Control Amendments of 1972.  
Public Law 92-500.  
92nd Congress, S. 2770. October 18, 1972
4. Klinger, Richard D. - Report to the Designated 208 Water Quality Planning Agencies on Laws Affecting Water Quality.  
Financed through a Section 208 Areawide Waste Treatment Management Grant from the U.S. Environmental Protection Agency. 1976.
5. Regulatory Programs for Nonpoint Source Control - U.S. Environmental Protection Agency. SAM-31  
Ref: 40 CFR 131. 11(M). September 22, 1977.
6. Questionnaire: Nature and Extent of Agricultural Nonpoint Source Pollution, Statewide Control Project/Statewide 208 Project.  
1976-1977 Inventory
7. Soil Conservation Service - 1978 Montana Standards and Specifications
8. Erhardt R. Hehn - "Agricultural Nonpoint Source Assessment", November 1977. "Agricultural Nonpoint Source Assessment", March 1978.  
Both reports were financed by the MACD-DHES Contract of March 23, 1977.
8. MACD-DHES Contract of March 23, 1977.
9. Clean Water Act of 1977 - PL 95-217



EXHIBITS

- A. Beaverhead Conservation District Long Range Plan
- B. Sample Memorandum of Agreements
- C. DNRC Guidelines for CD Water Quality  
(Long Range Plan Program) Draft
- D. Agreement between USDA and EPA on "Rural Clean Water Program"  
specifically Section 35 of PL 95-217 - Draft
- E. Complaint Referral Form - Example
- F. MACD-DHES Contract, March 23, 1977
- G. Water Quality Plan Monitoring
- H. Agricultural Nonpoint Source Assessment, March 1978 -  
Erhardt R. Hehn



## WHAT IS A CONSERVATION DISTRICT?

Conservation Districts are democracy at work. They are organized and operate under the State Conservation Act originally passed in 1937 and revised in 1971. They are organized by a vote of the people within the district. They are legal subdivisions of the State, and public bodies corporate and politic with certificate of organization issued by the Secretary of State of Montana.

A Conservation District is managed by a Board of Supervisors of which five are elected.

Districts are assisted by many agencies, organizations, groups and individuals. They provide a means for all interested people in a community, area, or region to work together for natural resources conservation and development. Participation is strictly voluntary.



THE LONG RANGE PLAN  
OF THE  
BEAVERHEAD  
CONSERVATION DISTRICT

II. ORGANIZATION

The Beaverhead Conservation District is a legal entity of the State of Montana. It was formed under the laws of Montana in May of 1950 by local citizens to provide technical assistance to landowners in carrying out soil and water conservation practices. It covered most of the present area except for the Big Hole portion. In August 1952, the Big Hole area was admitted to the District by a special referendum. The District is governed by a board of five elected members.

The District is governed by its own By-Laws. It cooperates with various agencies and local units of government by means of memorandums of understanding. These agencies are listed in appendix B.

III. DISTRICT AREA

The Beaverhead Conservation District includes all of Beaverhead County and approximately 144 Sections in Madison County, except for the incorporated towns of Lima and Dillon. (See map, appendix A).

IV. GENERAL DESCRIPTION

There are about 328 operating units within the 3,642,300 acre area. Of these, 265 had signed cooperative District agreements as of September 30, 1977. The breakdown of ownership is as follows:

Privately owned	1,205,817 acres
National Forest	1,330,163 acres
Bureau of Land Management	719,873 acres
State Lands	339,040 acres
Bureau of Reclamation	7,247 acres
Bureau of Sports Fisheries & Wildlife	40,000 acres

Livestock production is the major industry in the District with most of the livestock forage grown locally. The 1974 Agricultural Census shows 192,000 head of cattle and 42,000 head of sheep in Beaverhead County.

Over 10 percent of Montana's irrigated land is located in this District and the production from these lands is an important part of the economy.

The 1972 Conservation Needs Summary shows the following land uses on private lands in the County:

Irrigated Land (crop & hayland)	211,119 acres
Dry Cropland	28,881 acres
Tame Pasture	60,000 acres
Native Rangeland	1,121,187 acres
Woodland	66,350 acres
Other Lands	14,029 acres

#### V. DISTRICT CLIMATE AND TOPOGRAPHY

The average annual precipitation within the District is quite variable both in amount and distribution. Twenty-five inches or more will fall in the higher mountain areas and this will decrease with the elevation to a low of 9.27 inches at Lima.

Monthly distribution of rainfall will vary, but the largest portion falls during May, June, and July and the least amount during the winter. Snowfall is relatively light at elevations below 6,000 feet. However, winter snow depths in the Big Hole and Wise River areas are generally from 24 to 70 inches.

The frost free period will vary between less than 30 days in the mountain valleys, to around 100 days near Dillon.

The District occurs in a rather rough mountainous area and is rimmed on the north, south, and west by high mountains which constitutes the Continental Divide. These ranges have peaks reaching elevations of 10,000 feet. Elevations range from a low of 4,820 feet to a high of 11,180 feet.

The District is drained by two major streams. These are the Beaverhead and the Big Hole Rivers. Their confluence forms the Jefferson River near the town of Twin Bridges in Madison County.

Other features include several high mountain valleys with elevations ranging from 6,000 to 7,500 feet. These include the Big Hole Basin, Sheep Creek Basin, Grasshopper, Centennial Valley, Upper Blacktail, the Upper Horse Prairie. The broad intermountain valley of the Beaverhead River has elevations ranging from 4,820 feet to 6,500 feet. This is generally smooth or gently rolling land with some dissection by old water courses.

The low bench terraces to the north and east of Dillon are relatively smooth, with deep loam soils that are highly productive when irrigated and properly managed. These benches produce most of the alfalfa hay and irrigated grain in the County.

There are two large irrigation reservoirs in the District. The Lima Dam on the Red Rock River and Clark Canyon Reservoir on the Beaverhead River.

## VI. PRIMARY RESOURCE PROBLEMS

Listed below are the primary resource problems in the District. They are listed in order of significance:

### 1. Native Rangeland:

Soil loss from rangeland is the biggest conservation problem in the District. Although considerable progress has been made, approximately 1/3 of the rangeland is eroding each year due to lack of cover.

### 2. Irrigated Lands:

Soil loss, weed control, stream dewatering, and the return of warm irrigation water to our streams is a major problem. Over irrigation is resulting in a high water table and salt accumulation in various places throughout the District.

### 3. Streambank Erosion:

Above normal snow packs combined with more intensive land uses has resulted in speeding up of serious streambank erosion problems on the major streams.

### 4. Dry Cropland:

Wind and water erosion is the major problems on these lands. Many landowners are practicing stubble mulch to a lesser degree than in previous years.

### 5. Forest Land:

There has been very little erosion on these lands in the past, however, increased logging activities are resulting in a severe soil loss hazard as timber is harvested from private lands.

6. Other Lands:

Road and building construction, summer homesite developments, mining exploration and increased off-road use of motor bikes and four-wheel drive vehicles has resulted in some serious erosion and potential pollution problems.

7. Wildlife and Recreation Land:

More intensive land use, changes in land use, changes in land management, increased off-road travel by motor bikes, snowmobiles, and four-wheel drive vehicles, and increased harassment by people has resulted in a decline of wildlife in some areas. Adequate winter range is a definite limiting factor on big game numbers in some parts of the County.

8. Urban Areas & Expansion:

The District is concerned about the urban expansion into agricultural areas and the pollution problems that may result from this expansion.

These areas are being used for houses, barns, horse pastures, and other associated uses. The problems of erosion, weed control, and water pollution can become serious in these areas. The loss of agricultural production from these areas is also of concern.

9. Private Recreation Enterprises:

Very little land area is being used for this purpose at the present time. It is anticipated that interest in this activity will increase, and as it does, the resource problems common to urban expansion will occur.

VII. DISTRICT OBJECTIVE

The Beaverhead Conservation District was organized to promote wise use of all natural resources and to provide technical assistance to land-users in planning and applying conservation practices.



The District's over-all objective is to use each acre of land within its capabilities and to treat each acre according to each needs for protection and sustained production.

#### VIII. DISTRICT POLICIES & PRIORITIES

##### 1. General:

In an effort to reach our objective we will direct our entire program toward providing information and technical assistance to users of land on a voluntary basis.

Requests for assistance will be served on a first come, first serve basis with highest priority given to the serious soil loss problems and lowest priority given to the practices that are mainly production oriented.

Each landuser will be encouraged to develop and follow a conservation management plan for the acres he controls.

We support the conservation practices, standards, and specifications as used by the Soil Conservation Service.

We will conduct an annual coordination meeting each year and will continue to cooperate with all agencies, groups, and individuals in matters relating to resource conservation.

We will accept and carry out our assigned responsibilities under Montana Senate Bill 310 and Section 208 of the Federal Water Quality Law.

2. Education and Information:

The District Supervisors feel that a sound educational and informational conservation program is of the utmost value. The District will provide conservation educational information to the local schools. The Supervisors will sponsor and promote activities such as, range tours, camps, local youth programs, and speech contests in an effort to better inform the general public.

The District will continue to support and provide materials for Soil Stewardship Sunday.

The District will keep informed on conservation issues and will meet with Legislators as the need arises.

3. RC&D and Special Projects:

The District Board will sponsor and support the Headwaters Resource Conservation and Development (RC&D) Program. The District will sponsor and recommend to the Beaverhead County RC&D Committee, projects which are feasible and of benefit to the Community. It will sponsor other special projects which will be of benefit to local landowners and the community.

4. Energy Conservation:

The District Board will support any energy conservation practices such as the proposed development of gravity sprinkler systems. They will discourage projects which will tend to utilize energy and other resources inefficiently.

5. Soil Survey:

The District recognizes the value of the soil survey as it relates to all the other programs, and continues to support its

completion at the earliest possible date. The Board intends to use the survey for such purposes as identification, and possible protection of "prime lands", and the identification of lands for possible water reservations.

6. Work with Agencies:

The District will continue to improve it's relationships with other agencies and units of government. Memorandums of understanding will be kept current. It will have a representative at the ASCS County Development meetings, and support the use of Long Term Agreements (LTA's), where appropriate. It will cooperate with the County Planning Board by having a District representative attend all Planning Board Meetings. The District will conduct an annual coordination meeting of all agencies and civic groups each year.

7. Personnel:

The District will hire a clerk to take care of its business and to assist with SCS work, if funds permit. The Board will encourage the SCS to adequately staff the field office according to the work loads. The District is also agreeable to share the cost of a technician with the Soil Conservation Service.

8. District Operations:

It is the policy of the Beaverhead Conservation District to continue to give full support to the Montana Association of Conservation Districts and to its state office and affiliated programs such as the Plant Material Center. It supports the programs of the National Association of Conservation Districts and will continue to work toward establishing a more equitable method of dues assessment.

The Board will hold its regular meetings according to a set schedule. An Annual Coordination Meeting will be held in February of each year.

An Annual Report will be prepared each year. The Chairman of the Board will call any special meetings or hearings as they become necessary.

9. Annual Work Plan:

The District will develop an Annual Work Plan each year and will also set forth specific items on policies, priorities, and intended accomplishments.

This Long Range Plan will be reviewed annually and will be revised as the need arises.

IX. RESOLUTION OF ADOPTION.

THEREFORE, BE IT RESOLVED THAT this program be adopted, as the official program of the Beaverhead Conservation District and that the Secretary is hereby instructed to insert a copy of this program and resolution in the minutes book immediately following the minutes of this meeting.

I, the undersigned, being Secretary of the District Board of Supervisors of the Beaverhead Conservation District, do hereby certify that the above is a true and exact copy of the resolution adopted by the Supervisors of the District at a meeting held on the 2 day of November, 1978.

Dated this 8 day of November, 1978

Jack Maki  
Jack Maki, Secretary

APPROVED  
BEAVERHEAD  
CONSERVATION DISTRICT

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

*Jack White*  
\_\_\_\_\_  
Secretary

*Don H. King*  
\_\_\_\_\_  
Member

*Fay Cornell*  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
March 8, 1978  
Date



MEMORANDUM OF UNDERSTANDING  
between the  
SOIL (AND WATER) CONSERVATION DISTRICT  
and the  
UNITED STATES DEPARTMENT OF AGRICULTURE

This memorandum of understanding is between the \_\_\_\_\_ Soil (and Water) Conservation District, State of \_\_\_\_\_, hereinafter called the District, and the United States Department of Agriculture, hereinafter called the Department. It is effective on the date it is signed by or for the Secretary of Agriculture and replaces any memorandum of understanding heretofore entered into between the District and the Department.

STATEMENT OF PURPOSE

The District has been organized pursuant to the Soil ( and Water) Conservation Districts law of \_\_\_\_\_ as a governmental subdivision of the state as evidenced by its certificate of due organization, a copy of which is attached or on file in the Department. It is prepared to exercise within its boundaries public powers as authorized by that law, as amended and supplemented.

The Secretary of Agriculture is authorized under the terms of various statutes administered by the Department to carry out a broad program of assistance to farmers, ranchers, and landowners including soil and water conservation, watershed protection, flood prevention, farm forestry, and rural areas development, and encompassing research, education, technical assistance, cost sharing, and credit. This program may include cooperation with and assistance to soil (and water) conservation districts in conserving and improving soil, water, vegetative, wildlife, and related resources, and in reducing damage by floods and sedimentation.

The District has adopted a program outlining in general its longtime soil and water conservation and resource-use objectives, a copy of which is attached or is on file in the Department. The District is engaged in carrying out this program. The District has or in the future may have available services, facilities, and funds from federal, state, local, and private sources for carrying on its work.

The District and the Department have the common objective of helping to bring about the use of each acre of agricultural and other land within the limits of its capabilities and the treatment of each acre in accordance with its needs for protection and improvement. Cooperation is mutually helpful to the District and the Department in achieving this common objective. This memorandum of understanding establishes an enduring basis for such cooperation and assistance.

A. WHAT THE DEPARTMENT WILL DO

The Department will cooperate with and assist the District in carrying out its longtime soil and water conservation and resource-use program. Such assistance as is consistent with the Department's statutory authority and available resources will be provided through its various agencies in accordance with Departmental regulations. Such assistance will be made available through supplements to this memorandum of understanding or through other appropriate arrangements developed between the District and each agency of the Department cooperating with the District.

B. WHAT THE DISTRICT WILL DO

1. The District, on request or on its own initiative, will consult with and make recommendations to departmental agencies carrying on conservation work within the District, with respect to the development and administration of conservation activities and the overall conservation problems and work plans of the

District, to best effectuate the purpose of those activities.

2. The District will prepare an annual work plan to serve as a guide in carrying out its program during the year ahead.

3. Where the aid to be furnished by the District to owners and operators of land in carrying out conservation and resource-use plans requires assistance provided the District by an agency of the Department, the District will enter into agreements with those owners and operators, fixing the responsibilities of the parties in carrying out those plans. The forms of such agreements are to be acceptable to the Departmental agency concerned. Where assistance is limited to consultative type services, suitable informal arrangements rather than formal agreements are appropriate.

4. The District will be responsible for determining the kind, amount, and priority of work to be performed by it on farms, ranches, and other land and for seeing that the provisions of agreements it enters into with owners and operators of land are carried out.

5. The District will provide such funds, personal services, and facilities as it is able to obtain for carrying on its work.

6. The District will not charge for assistance made available by the Department and will conduct its work in such manner that cooperating land owners and operators and the general public will understand that any charges it may make are not for that assistance.

7. Within 60 days after the end of each calendar year, or of each fiscal year of the state, the District will submit to the Department of Agriculture, through the state conservationist of the Soil Conservation Service, an annual report on the District's activities and accomplishments. The District will send a copy of its annual report to each cooperating Departmental agency. The District will keep its records in such a way that the agencies of the Department cooperating with the District may obtain adequate information as to the District activities by examining these records.

8. The District will inform all cooperating agencies of the Department of any substantial changes in its longtime program in order to avoid possible misunderstandings in carrying out the District's work.

#### C. IT IS FURTHER UNDERSTOOD

1. Assistance supplied to the District by a Departmental agency will be furnished in accordance with the agency's applicable authorities and policies.

2. Any assistance by Departmental agencies for carrying on educational or farm forestry work made available to the District will be furnished in accordance with existing or future agreement between the Department or its agencies and state agencies.

3. This memorandum is not to be construed to affect the jurisdiction of the federal government, or any agencies thereof, over federally-owned land which may lie within the boundaries of the District.

4. Departmental agency personnel and facilities are to be under the administrative jurisdiction of the Departmental agency involved.

5. Any equipment and materials made available to the District by Departmental agencies are to be utilized by the District in accordance with an agreement entered into governing their use.



6. Personnel, facilities, and funds available to the Districts from state, local and private sources are to be under the administrative jurisdiction of the District or of the cooperating state or local agency.

7. Neither the Department nor the District are to be bound by any obligation in this memorandum or any supplement thereto or other appropriate arrangements that involve the expenditure of funds in excess of the amounts made available to it or for a period in excess of that authorized by law.

8. All matters that may require administrative action or approval by any agency of the Department will be handled through the established administrative procedures of that agency and of the Department.

9. This memorandum can be modified or terminated at any time by mutual consent to the parties thereto or can be terminated by either party alone by giving 60 days notice in writing to the other.

10. An supplemental memorandums of understanding or other appropriate arrangements now in effect between the District and an agency of the Department are to remain in full force and effect and to be subject to all of the provisions hereof.

\_\_\_\_\_  
SOIL (AND WATER) CONSERVATION DISTRICT  
BY \_\_\_\_\_  
Chairman, District Governing Body

The signing of this memorandum of understanding was authorized by a resolution of the district governing body adopted at a meeting held on

\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Secretary, District Governing Body

Date: \_\_\_\_\_, 19\_\_\_\_.

UNITED STATES DEPARTMENT OF AGRICULTURE

By \_\_\_\_\_  
Secretary of Agriculture

Date \_\_\_\_\_, 19\_\_\_\_.

SUPPLEMENTAL MEMORANDUM OF UNDERSTANDING  
between the

CONSERVATION DISTRICT, State of \_\_\_\_\_  
and the

\_\_\_\_\_ COUNTY AGRICULTURAL STABILIZATION AND  
CONSERVATION COMMITTEE

The \_\_\_\_\_ Conservation District of  
Agriculture, and the Secretary, United States Department of  
signed by the District on \_\_\_\_\_ 19\_\_\_\_. That Memorandum establishes a  
basis for the cooperation of all agencies of the Department with the District.

The County Agricultural Stabilization and Conservation Committee, hereinafter called the committee, is authorized under the terms of various statutes administered by the U.S. Department of Agriculture to carry out a broad program of cost-sharing assistance to farmers, ranchers, and other eligible landowners including a program of soil and water conservation, watershed protection, flood prevention and forestry. This program includes cooperation with conservation districts in conserving and improving soil, water, vegetative, wildlife, and related resources, and in reducing damage by floods and sedimentation.

The district and the committee have the common objectives of helping to bring about the conservation, development and wise use of land, water, and related resources. They, therefore, enter into this memorandum of understanding as the foundation for enduring cooperative working arrangement. This memorandum supplements the Memorandum of Understanding between the District and Department referred to above, and is subject to all provisions of the Memorandum of Understanding.

A. What the District Will Do:

1. The District will (a) adopt a procedure for the orderly and progressive development and application of conservation and resource development plans for farms, communities, watersheds, and other land units, (b) be responsible for determining the recipients of services provided by the District and for setting priorities for the kind and amounts of work to be performed in the District, and (c) develop a systematic method for group and individual followup work essential to the carrying out of conservation and resource development plans.
2. The District will invite the committee to participate in the development of its annual work plan and long-range program and will make these available to the committee for its use in developing its county conservation cost-sharing program.
3. The District will advise farmers and landowners of the cost-sharing assistance available through the committee.
4. The District will participate in the development of the county plan and conservation cost-sharing program.
5. As requested and feasible, the District will assist the committee in carrying out its conservation cost-sharing program. In relation to long-term agreements under the conservation cost-sharing program, the District shall (1) review and approve, when adequate, the required conservation plans of operations; (2) consider and, in concurrence with the Soil Conservation Service, recommend priority ratings of applicants; and (3) make recommendations on indicated violations and possible cancellations or terminations.

6. Within 60 days after the end of their fiscal year, the District will send to the committee a copy of the annual report of the District's activities and accomplishments.

B. What the Committee Will Do:

1. The Committee, in cooperation with the county program development group, is responsible for developing the county plan and conservation cost-sharing program for the county. The committee will invite the District and representatives of other Federal and State agencies to participate in the development of this plan and program and other conservation programs.

2. The committee will consider the District's long-range objectives and annual work plan in developing its county plan.

3. The Committee will request the District to assist in carrying out the conservation cost-sharing program and other conservation program.

4. The committee will inform those eligible of the availability of cost-sharing for the establishment of conservation practices included in their District conservation plans.

5. The committee will give priority to providing cost-sharing assistance for accelerating land treatment in RC&D and P.L. 566 projects as applicable.

6. The committee will encourage landowners to become District Cooperators and to develop and establish conservation plans.

7. The committee will furnish such other assistance, as may be mutually agreed upon, to the District to aid in carrying out any of its duties and programs.

8. The committee will provide a copy of its annual report to the District.

C. It is Further Understood:

1. District personnel and facilities will be under the administrative jurisdiction of the District and committee personnel and facilities will be under the administrative jurisdiction of the committee.

2. The governing boards of the District and the committee will meet jointly, in addition to the annual program development meeting, at least once a year to discuss priorities of conservation activities involving cost-sharing and technical services essential to attaining soil and water conservation and resource-use objectives. Such meetings may include field reviews to determine progress.

3. In instances where the geographical boundaries of the District and the committee do not coincide, the District(s) and committee(s) shall mutually develop appropriate liaison and representative arrangements.

4. Other cooperative arrangements between the District and the committee: (add here any additional items as appropriate)

5. This Supplemental Memorandum of Understanding will be effective when signed. It may be modified or terminated at any time by mutual consent of the parties hereto or may be terminated by either party alone by giving sixty (60) days notice in writing to the other.

\_\_\_\_\_  
CONSERVATION DISTRICT

By \_\_\_\_\_  
Chairman, District Governing Body

Date: \_\_\_\_\_, 19\_\_\_\_.

The signing of the Memorandum of Understanding was authorized by a resolution of the District Governing Body Adopted at a meeting held on \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Secretary, District Governing Body

Date: \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
County Agricultural Stabilization and Conservation  
Committee

By \_\_\_\_\_  
Chairman, County Committee

Date: \_\_\_\_\_, 19\_\_\_\_.

SUPPLEMENTAL MEMORANDUM OF UNDERSTANDING

between the

\_\_\_\_\_  
CONSERVATION DISTRICT, State of \_\_\_\_\_

and the

SOIL CONSERVATION SERVICE

UNITED STATES DEPARTMENT OF AGRICULTURE

The \_\_\_\_\_ Conservation District, of \_\_\_\_\_ and the Secretary, United States Department of Agriculture, have entered into a basic memorandum of understanding, which was signed by the District on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. That memorandum establishes a basis for the cooperation of agencies of the Department with the District.

Under the terms of the Soil Conservation Act of 1935 and other acts, the Soil Conservation Service is authorized to cooperate with and to furnish assistance to the District for conservation and resource development work.

The District and the Soil Conservation Service have the common objective of helping to bring about the conservation, development, and wise use of land, water, and related resources. They, therefore, enter into this memorandum of understanding as the foundation for an enduring cooperative working arrangement. This memorandum supplements the memorandum of understanding between the District and the Department referred to above, and is subject to all the provisions of that memorandum of understanding.

A. What the Soil Conservation Service Will Do.

1. SCS will make available to the District the services of personnel qualified in carrying out resource planning, conservation, and development and will provide such facilities as its employees may require. Through its state conservationist, SCS will designate a conservationist as its primary staff member for assisting the District.

2. SCS assistance will be allocated in accordance with an annual plan of operations prepared by SCS in consultation with the District and based upon the District's annual work plan. SCS will consult with the District whenever substantial changes in assistance to be made available are contemplated and will notify the District in advance whenever changes are to be made.

B. What the District Will Do.

1. The District will (a) adopt a procedure for the orderly and progressive development and application of conservation and resource development plans for farms, communities, watersheds, and other land units, (b) be responsible for determining the recipients of services provided by the District and for setting priorities for the kind and amounts of work to be performed in the District, and (c) develop a systematic method for group and individual followup work essential to the carrying out of conservation and resource development plans.

2. The District's annual work plan, which will be prepared as a guide for its work and activities for the year ahead, will include whatever information SCS needs for preparing its annual plan of operations.

3. The District will keep records of all materials and equipment furnished it by SCS in accordance with agreements regarding such materials and equipment. Such records will be available for examination at any reasonable time by accredited SCS representatives.

C. It is Further Understood

1. Either party, as mutually agreed upon, will provide or arrange for such additional services, facilities, equipment, materials, and arrangements as may be required to achieve common objectives.

2. SCS personnel and facilities, all of which will be under SCS jurisdiction will be located insofar as feasible at headquarters mutually satisfactory to the District and to SCS. SCS retains the right to establish headquarters for its personnel at such places as it deems most appropriate.

3. The program conducted will be in compliance with all requirements respecting nondiscrimination as contained in the Civil Rights Act of 1964, as amended, and the regulations of the Secretary of Agriculture ( 7 C.F.R. Sec. 15.1 - 15.12), which provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency thereof.

4. This supplemental memorandum of understanding will be effective when signed by both parties and will continue in effect for the duration of the basis memorandum of understanding referred to above, except that it may be modified or terminated at any time by mutual consent of the parties hereto, or may be terminated by either party by giving 60 days notice in writing to the other party.

CONSERVATION DISTRICT

By: Chairman, District Governing Body

Date: 19

The signing of this supplemental memorandum of understanding on behalf of the District was authorized by a resolution of the district governing body adopted at a meeting held on the        day of the 19.

Secretary, District Governing Body

Date: 19

SOIL CONSERVATION SERVICE

United States Department of Agriculture

By State Conservationist, Soil Conservation Service

Date: 19

# MEMORANDUM OF AGREEMENT

Between the

United States Department of the Interior

and the

## STATEMENT OF PURPOSE

The Conservation District has been organized pursuant to the Soil and Water Conservation District Law of the as a governmental subdivision of that State, to exercise public powers in connection with soil conservation and development of natural resources within its boundaries. The District has developed a program outlining the extent and condition of its soil and natural resources and its long range objectives with respect to these resources. It has also formulated a plan of action setting forth how it proposes to carry on its conservation and resource development activities. Copies of the program and plan of action are on file in the District Office and may be inspected by any of its cooperating agencies at any time. The District has, or may have in the future, under its control, funds, services, and facilities contracted from private, local, State, or Federal sources for its use in carrying on its work.

The Secretary of the Interior is authorized under the terms of various statutes administered by the United States Department of the Interior to cooperate with and to assist Soil and Water Conservation Districts in achieving the conservation and development of the soil and natural resources on lands under the jurisdiction of the Department of the Interior. Such cooperation and assistance can be mutually helpful to the District and the Department in reaching their common objectives.

In view of these considerations, the District and the Department desire to establish a basis for such mutual cooperation and assistance, and therefore enter into this Memorandum of Agreement.

### A. WHAT THE DEPARTMENT WILL DO

The Department of the Interior, through its various agencies, will, consistent with statutory authority and available resources, and in accordance with departmental regulations, cooperate with and assist the District in conducting a soil and natural resources program. Such assistance will be made available in accordance with Supplements to this Memorandum of Agreement, or other appropriate arrangements to be entered into between the District and each agency of the Department cooperating with the District.

### B. WHAT THE DISTRICT WILL DO

1. The District will prepare and adopt a long-range program, and an annual work plan, both of which it will keep current, as guides to show how it proposes to carry on its activities in the development and management of its natural resources.

2. Where the aid and assistance is made available to the District by an agency of the Department, the District will enter into a supplemental agreement with the agency furnishing the assistance, fixing the responsibilities of each in carrying out the District's program. The forms of such agreement are to be acceptable to the Departmental agency involved.

3. The District will be responsible for developing a plan and schedule of work to be performed by each of its cooperators, in furtherance of the provisions of agreement it enters into.

4. The District will provide such funds, personal services, and facilities that it is able to obtain for carrying on its work.

5. The District will keep its records in such a way that the agencies of the Department cooperating with the District may obtain adequate information as to the District's activities and accomplishments. Once each year the District will submit to the Department a report of its accomplishments and activities for the year ending December 31.

6. The District will inform all cooperating agencies of any substantial changes in its program and its work plan, in order to avoid possible conflicts in carrying out an integrated District program, consistent with departmental objectives and programs, on lands under the jurisdiction of the Department of the Interior.

### C. IT IS FURTHER UNDERSTOOD

1. Assistance supplied to the District will be furnished in accordance with departmental regulation. The types of assistance to be furnished in any State will depend upon the adequacy of the State Soil and



Water Conservation District law which authorizes Districts to carry out well-planned and coordinated programs for the development and management of their natural resources.

2. Any assistance made available to the District by departmental agencies will be furnished in accordance with existing or future agreements between the Department or its agencies and the District.

3. This Memorandum shall not be construed to affect the jurisdiction of the Federal Government, or any agencies thereof over lands under the jurisdiction of the Department of the Interior which may lie within the boundaries of the District.

4. Neither the Department of the Interior nor the District is bound by any obligation in this Memorandum or any Supplement thereto which will involve the expenditure of funds in excess of the amounts made available to it, or for a period in excess of that authorized by law.

5. All matters that may require administrative action or approval by any agency of the Department will be handled through the established administrative procedures of that agency and of the Department.

6. This Memorandum shall be effective when signed by both parties. It may be terminated or modified at any time by agreement of the parties, and may be terminated by either party alone by giving sixty (60) days' notice in writing to the other.

The signing of this Memorandum of Agreement was authorized by a resolution of the District Governing Body adopted at a meeting held on \_\_\_\_\_, 19

\_\_\_\_\_  
(Secretary, District Governing Body)

\_\_\_\_\_, 19  
(Date)

\_\_\_\_\_  
(Secretary of the Interior)

\_\_\_\_\_, 19  
(Date)



## APPENDIX A

### MEMORANDUM OF AGREEMENT Between the

\_\_\_\_\_ District  
and the

Corps of Engineers, Department of the Army

#### Statement of Purpose

The purpose of this Memorandum of Agreement is to provide for cooperation between the \_\_\_\_\_ Conservation District, established pursuant to the laws of the State of \_\_\_\_\_, and the Corps of Engineers of the Department of the Army, in the planning and carrying out of projects and programs for the conservation, wise utilization, and efficient development of the land, water, and related resources within the \_\_\_\_\_ Conservation District.

#### A. What the Corps of Engineers Will Do.

1. The Corps of Engineers will call upon the District at an early stage for advice and recommendations in the planning and carrying out of any projects and programs the Corps may undertake within the District.
2. The Corps of Engineers will notify the District of all public hearings on proposed projects and project plans which would affect the land, water, and related resources within the District.
3. The Corps of Engineers will make available to the District such information, technical advice, and assistance as it may request, subject to the limitations of paragraph C-1 of this Agreement.
4. The Corps of Engineers will enter into agreements supplemental to this Agreement setting forth in all necessary detail (a) the nature of any assistance to be rendered in connection with the carrying out of a specific project or program, and (b) the arrangements under which such assistance is to be made available.

#### B. What the Conservation District Will Do

1. The District will assist the Corps of Engineers in carrying out any activities which the latter may undertake within the boundaries of the District by furnishing such advice and recommendations as may, in its opinion, result in better coordination of the Corps activity with the long-range plan of the District.
2. The District will provide the Corps of Engineers with copies of any annual and long-range work plans it may adopt and its annual reports.
3. The District will call upon the Corps of Engineers for such information, technical advice, and assistance in the planning and carrying out of aspects of the District's activities as the Corps may be particularly well qualified to provide because of its specialized knowledge and experience.

C. Further Understandings

1. Any assistance furnished by the Corps of Engineers under the provisions of the Agreement will be subject to the limitations of its legislative authorities, the regulations of the Department of the Army, and the availability of funds and personnel.

2. Cooperation by the District in carrying out the provisions of this Agreement will be subject to the limitations of the laws establishing the District and the availability of funds and personnel.

3. This Memorandum of Agreement will be effective when signed, and may be terminated at any time by mutual consent of the parties hereto, or by either party after 60 days notice of its desire for termination.

BY: \_\_\_\_\_  
Chairman, District Governing Body

Date: \_\_\_\_\_

BY: \_\_\_\_\_  
District Engineer,  
Corps of Engineers

Date: \_\_\_\_\_

ATTEST: The signing of this Memorandum of Agreement was authorized by a resolution of the District Governing Body adopted at a meeting held on \_\_\_\_\_.

BY: \_\_\_\_\_  
Secretary, District Governing Body

Date: \_\_\_\_\_

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF FORESTRY  
AND  
SOIL CONSERVATION DISTRICT

(name)

The New Jersey Bureau of Forestry (hereinafter called the Bureau) and the Soil Conservation District (hereinafter called the District) clearly recognize that soil conservation and proper forest management are problems of mutual concern to landowners and to those agencies responsible for implementation.

It is the policy of the Bureau to furnish technical advice and assistance to landowners desirous of carrying out forest management practices on their lands.

In order to facilitate this program and to be of assistance to the District in reaching their goals, it is desirable that a mutual agreement be formulated which establishes a working relationship between the District and the Bureau of Forestry.

In order to effect this working relationship, it is mutually agreed as follows:

Within the limits of its authority and available resources the Bureau will:

1. Designate an Area Forester as a representative of the Bureau to the District.
2. Accept referrals for forestry assistance from the District and provide necessary follow-up.
3. Render technical assistance to landowners within the District on all forestry matters, and develop woodland management and planting plans. Copies will be provided for each cooperator and for the District files.
4. Bring to attention of landowners the total district program and encourage their participation in all phases of resource management.

The District will:

1. Use its combined resources to effectively arouse the active interest of landowners and general public, for the necessity, and current procedures for attaining good woodland management.
2. Submit requests for forestry services to the designated forester and consult with him all matters pertaining to forestry including initial planning and land use as it applies to woodlands and tree planting.

It is mutually agreed and understood:

1. That the designated forester will be under the administrative control of the Bureau.
2. That this memorandum shall be effective when signed by both parties hereto. It may be terminated or modified at any time by agreement of the parties, and may be terminated by either party alone by giving 60 days notice in writing to the other.

\_\_\_\_\_  
Date

\_\_\_\_\_  
State Forester, Bureau of Forestry

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Soil Conservation District

MEMORANDUM OF UNDERSTANDING  
between  
MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
and the  
SOIL AND WATER CONSERVATION DISTRICT

The Department of Inland Fisheries and Wildlife is the state agency responsible for the protection and enhancement of the fish and wildlife resources of the state.

Soil and Water Conservation Districts are the state agency with responsibility for developing and implementing overall soil and water conservation programs within their assigned geographic areas within the state.

Because of the interrelationships between land use and treatment measures and the habitat of various fish and wildlife species, this memorandum is developed for the purpose of formalizing the working relationships between the signatory parties.

In implementation of the Memorandum, it is agreed that:

THE DISTRICT WILL:

1. Encourage its cooperators to consider fisheries and wildlife values and habitat as part of the overall conservation plans for their land.
2. Consider Department goals, objectives and programs in developing its long range and annual plans.
3. Assist cooperators in the preparation of any necessary permit applications required by the Department, encourage cooperators to acquire any such permits prior to the start of applicable projects, and to withhold assistance when it is known that required permits have not been acquired.
4. Invite regional biologists of the Department to meet with the District Board of Supervisors to discuss matters of mutual interest.
5. Provide technical advice to applicants for Stream Alteration Act Permits.
6. Furnish the Department with copies of any reports, studies, maps, photos, or other documents which will assist the Department in its activities.

THE DEPARTMENT WILL:

1. Provide assistance to the District in the preparation of long-term plans and goals. Assist the District in the preparation of the wildlife sections of such plans and goals.
2. Provide copies of studies, reports, maps, photographs and other documents to the District which will assist the District in its program.
3. Provide guidance to the District and its employees and agents in the identification of wildlife values and habitat identification in furtherance of the planning effort on lands of District cooperators.
4. Refer Stream Alteration Act permit applicants to the appropriate District for assistance on seeding, mulching, channel stabilization, dam construction, etc.

IT IS MUTUALLY AGREED THAT:

1. This memorandum will become effective of the date of the last signature hereto.
2. This memorandum will not obligate either party to the expenditure of funds or manpower in excess of amounts available. Both parties will render assistance based upon its policies, priorities, work schedules, technical standards, finances, and other considerations.
3. In the event any provision of this memorandum is found to be inconsistent with the terms of other agreements or memorandums already in effect, the inconsistencies will be reconciled by consultation and mutual consent.
4. This memorandum may be terminated at any time by mutual agreement or by either party giving 60 days notice in writing to the other party.

Soil & Water Conservation District  
By \_\_\_\_\_ Chairman \_\_\_\_\_ Date

Department of Inland Fisheries & Wildlife  
\_\_\_\_\_  
Commissioner \_\_\_\_\_ Date

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## Guidelines for CD Water Quality (Long Range Plan Program)

Purpose

The purpose of these guidelines is to assist Districts in expanding their Long Range Conservation Plans to identify Water Quality problems and methods of solving those problems as related to non-point source pollution. Primarily non-point source pollution comes from agriculture and silviculture but since any land disturbing activity can contribute to non-point source pollution they must also be considered in long range planning. Such things as objectives, authority, definitions, policy, inventory, and implementation will be covered.

Likewise the purpose of the CD water quality plans are to provide the supervisors, the public, and cooperating agencies with direction (guidelines and documentation, communication, and agreement) of what is to be done, who is going to do it, now, and when.

Authority

Conservation District Law (76-108(8) RCM)

Federal Water Pollution Control Act (P.L. 92-500 Sec. 208)

Clean Water Act of 1977 (P.L. 95-217)

Resource Conservation Act (P.L. 95-192)

DHES Agreements with Conservation Districts

EPA & Water Quality Bureau rules and regulations

(Note: If a district accepts responsibility for implementation, then a memorandum of agreement or contract with DHES must be in effect.)

Goals

The Clean Water Act of 1977 sets October 1979 to have the plan in effect. The Federal Act sets 1988 as the date to accomplish the plan for swimmable and fishable waters. (Note: Accomplishment of goals will depend on adequate funding. Should adequate funding not be forthcoming, the goal will be to set priorities to treat the critical areas.)

Policy

Policies of the water quality plan should be consistent with the policies of the districts comprehensive overall long range plan.

Examples: (Not all of these can be adopted by any one district, as some conflict with another)

- It is not the intent of this water quality plan to prohibit what use the land is put to so long as management and practices prevent erosion

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- and sedimentation that would otherwise lead to water pollution.
- It is the policy of the district to prohibit farming of grazing lands with high potential for severe erosion.
- It is the policy of the district to encourage tax relief to land-owners who install conservation practices or management that will prevent soil erosion and sedimentation that affect water quality.
- It shall be the policy of the district supervisors to make decisions on sediment non-point pollution control problems by the problem solving process rather than by dictation or compromise, so the problem disappears without a decision having to be made.
- It shall be the policy of the district not to exercise its authority of land use regulations to force compliance through ordinances for a trial period of 5 years. The district will evaluate and analyze these water quality problems in consultation with the Water Quality Bureau and cooperating agencies once a year.
- It shall be the policy of the district supervisors to assume responsibility to exercise their prerogative of local control that leads to the desired results. (Management by objective/results).
- It shall be the policy of the district to recognize and encourage and reward self reliance of an individual in his management of land and water rather than reliance totally on government.
- It is the policy of the district to use the services of cooperating agencies as this may be done by agreement, and to work cooperatively with other agencies and groups to better achieve mutual objectives.
- It is the policy of the district to hire and supervise district managers and other necessary personnel to better manage and accomplish the district objectives.
- Note: More specific policies need be listed as to operations, management, and procedures, as may be listed in the individual district by-laws.

One of the most valuable parts of the district inventory assessments is the supervisors familiarity with the water and soil characteristics. This knowledge coupled with technical information available will enable them to identify all critical and potential water quality problems in the district.

These inventory assessments should be updated annually.

These inventory assessments can most effectively be done on a sub-basin or small watershed survey.

## INVENTORY

- I. Type of Maps and Where Available
  - A. Water Quality and Quantity
    - 1. Water Quality Bureau DHES
    - 2. USGS
    - 3. Municipalities
    - 4. Fish & Game
  - B. Land Use (Rangeland, Dry Cropland, Irrigated, Timber, Urban, Transportation)
    - 1. County Master Map
    - 2. Long Range Plan
    - 3. Dept. of Community Affairs
    - 4. USFS
    - 5. SCS
    - 6. ASCS
  - C. Land Ownership
    - 1. County Master Plan
    - 2. Long Range Plan
    - 3. BLM
    - 4. SCS
    - 5. USFS
  - D. Soils
    - SCS
  - E. Topography
    - USGS
  - F. Drainage Basin Survey
    - MACD
  - G. Basin Maps
    - USGS
  - H. Climate
    - 1. Frequency of Storms
    - 2. Fast Snow Melt
    - 3. % South Slope re snow melt

- I. Inventory # of cooperators and # of non cooperators once a year and analyze their attitudes or reasons for noncompliance.
- J. Make an annual report of accomplishments and an annual work plan as required by EPA for distribution to all concerned.
- K. Determine amount of man caused erosion and sedimentation and amount of natural, reference MACD assessments, SCS Land Inventory Monitoring (LIM), USDA Conservation Needs Inventory (CMI), USFS, RPA, BLM Management Plans, etc.

### Objectives

After the inventory is put together then it will be analyzed: 1) problems identified, 2) priorities set, 3) solutions recommended to be implemented, 4) monitored until solution completed and problem disappears.

Following are examples of objectives:

1. Range Objective

Protective cover is what is needed to prevent erosion and sedimentation  
Suggested activities to attain this objective:

- a) BMPs - which is proper range management

Example - take half and leave half

- fencing
- water developments

- b) Education-Information

- demonstration areas
- range tours
- news media
- public participation meetings
- etc.

- c) Incentives

- cost-sharing
- tax relief
- etc.

- d) Technical Assistance

- conservation plan



## e) Monitoring

- annual report
- annual inventory & program review
- WQB will take periodic samples of water for water quality.
- It is suggested that supervisors with agency people periodically (once a year) make an inspection tour of their district with the view of looking for conservation needs, water quality needs, and perhaps visiting with land occupiers in critical areas.

## f) Persuasion

- one on one consultation with ranchers to provide information and requirements to achieve or maintain proper range cover for water quality as the objective of the district and EPA. (It would be desirable to have each rancher sign a cooperative agreement with the district showing that he understands the objectives of the district, and will do the best he can to meet these objectives.)

## 2. A. Cropland - Dry

Objective is to maintain maximum protective cover to prevent and control erosion and sedimentation.

Suggested activities to obtain this objective:

- a) BMPS
  - flexible cropping rather than crop-fallow
  - Grass waterways
  - Stubble mulch
  - Contour farming
  - etc.

## b) Education-Information

- demonstration areas
- range tours
- news media
- public participation meetings
- etc.

## c) Incentives

- cost-sharing
- tax relief
- compatible farm program which requires conservation practices before being eligible for support payments

- d) Technical Assistance
  - conservation plan
- e) Monitoring
  - annual report
  - annual inventory & inventory review
  - WQB will take periodic sample of water for water quality
  - It is suggested that supervisors with agency people periodically (once a year) make an inspection tour of their district with the view of looking for conservation needs, water quality needs, and perhaps visiting with land occupiers in critical areas.
- f) Persuasion
  - One on one consultation with ranchers to provide information and requirements to achieve or maintain proper range cover for water quality as the objective of the district and EPA. (it would be desirable to have each rancher sign a cooperative agreement with the district showing that he understands the objectives of the district, and will do the best he can to meet these objectives.)

B. Cropland - Irrigated

The objective is to maintain maximum protective cover and proper use of water to prevent erosion, sedimentation and soil leaching.

Suggested activities to obtain the objective:

- a) BMPs - which is proper management
  - take half and leave half
  - fencing
  - water developments
- b) Education-Information
  - demonstration areas
  - range tours
  - news media
  - public participation meetings
  - etc.
- c) Incentives
  - cost-sharing
  - tax relief
  - compatible farm program which requires conservation practices before being eligible for support payments
- d) Technical Assistance
  - conservation plan

## e) Monitoring

- annual report
- annual inventory & inventory review
- WQB will take periodic sample of water for water quality
- It is suggested that supervisors with agency people periodically (once a year) make an inspection tour of their district with the view of looking for conservation needs, water quality needs, and perhaps visiting with land occupiers in critical areas.

## f) Persuasion

- One on one consultation with ranchers to provide information and requirements to achieve or maintain proper range cover for water quality as the objective of the district and EPA. (It would be desirable to have each rancher sign a cooperative agreement with the district showing that he understands the objectives of the district, and will do the best he can to meet these objectives.)

## 3. Silviculture

Objective is to maintain maximum protective cover to prevent and control erosion and sedimentation.

- a) BMPs - There ought to be a better way of doing it then what is then what is being done. Some ideas;
  1. do not burn slash, process it as groundcover
  2. roads should be designed to minimize erosion
  3. woodland grazing should be managed
  4. etc.
- b) Other activities same as for range. State forestry should be consulted and provide assistance on forest management practices.

## 4. Construction - Private roads, buildings, industrial sites.

- Objective is to install protective cover.

- a) BMPs - There are a number of types of practices.

Refer to "Non-Point Source Control Guidance Construction Activities, US EPA publication dated December 1976."

Address: U.S. Environmental Protection Agency  
Office of Water Planning & Standards  
Washington, D.C. 20460
- b) Education-Information
  - Planning boards for subdivision
  - Publish Public notice periodically
  - Information to realtors
- c) Incentives

- d) Technical Assistance
  - private engineering consultants
  - SCS consultive
- e) Monitoring
  - citizen observation
  - supervisor awareness
  - filing of complaints by citizens of land disturbing activities
  - county sanitarian
- f) Persuasion
  - agreements with realtors

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### Suggestions on How to Make Use of These Guidelines

First a representative from the DNRC or the DHES should arrange to meet with the supervisors at a district meeting to explain the guidelines.

At the meeting that a state representative is in attendance or a subsequent meeting, it is recommended that the supervisors invite key agency people from cooperating agencies and organizations to attend to become acquainted with the guidelines. A special committee should be organized. A district supervisor should be appointed chairman with the authority to appoint anyone who can help to gather the information and to write a rough draft. Normally the district conservationist, the county agent, and the state representative would be ideal persons to have on the committee. Dates should be agreed on for completion and progress reports made as needed, and board decisions obtained as needed. By having a state representative on the special committee, guidance and advice can be given toward the accomplishment of a water quality plan acceptable to the Water Quality Bureau, the EPA, and of course, the land occupiers within the CD.

It is anticipated funding will be forthcoming to help defray the costs to the district to prepare this plan. Target date for completion of the plans is October 1979, as outlined in the Clean Water Act of 1977.

### Funding

Probably most important the district will need to estimate and arrange for funding to (1) prepare the plan by October 1979 and (2) to complete implementation of the plan by 1983.

Sources of funds and or manpower will be the

- 1) county commissioners
- 2) state legislature through DNRC
- 3) federal funds through SCS Culver Amendment
- 4) federal funds through DHES - EPA
- 5) ACP - Cost-sharing, SCS, operations, RC&D, and Great Plains
- 6) Extension Service
- 7) State Forester
- 8) Other agencies

Completion of the plan and implementation therefore will be contingent upon the above sources of funding. It should be noted that funding for normal district operations other than water quality is from county and state funds and while there is overlap of water quality programs with soil conservation, range, water conservation, 310 stream preservation, conservation education, etc. these activities are normally funded by the ongoing county, state, and federal funds, so additionally water quality should be heavily funded by Culver Amendment and EPA.

Following is some ideas of how the district budget should be arrived at to prepare and implement this plan for submission to funding authorities:

(see attached sheet)

Fiscal Oct. 1, 1978-79 (to prepare plan)	Fiscal 1980	Fiscal 1981	Fiscal 1982	Fiscal 1983	Fiscal 1984	Fiscal 1985	Fiscal 1986	Fiscal 1987	Fiscal 1988
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Supervisor expense to attend meetings  
(\_\_\_\_ hrs. @ \$\_\_\_\_ per hr.)

Office & Administrative Expense  
(Clerk, manager, supplies, postage,  
rent, heat, light, etc.)

Implementation  
(Cost-sharing incentive, education,  
information, technical assistance,  
monitoring, enforcement, etc.)

(To arrive at an implementation figure one means might be to estimate from studies that have been done elsewhere, or to get certain people together who can make a good estimate of the various educational, cost-sharing, etc., activities that need to be paid for to get swimmable and fishable waters by 1988. A study by the Black Creek project in Indiana estimates that it would cost \$75 per acre statewide to achieve the goal. Such a figure is prohibitive, thus necessitating setting priorities to do only critical areas as envisioned by the Rural Clean Water Act. Comparing this with Montana, where we have more rangeland and woodland that don't need the treatment that the Indiana croplands require, perhaps a Montana figure would be much lower. Actually, depending how fishable and swimmable defined, most Montana districts have that now!)

Definitions

**WATER QUALITY:** The physical, chemical and biological characteristics of water.

**RANGELAND:** Land on which the native vegetation (climate or natural potential) is predominantly grasses, grass-like plants, forbs or shrubs suitable for grazing or browsing use. Includes lands revegetated naturally or artificially to provide a forage cover that is managed like native vegetation. Rangelands include natural grasslands, savannahs, shrublands, moist deserts, tundra, alpine communities, coastal marshes and wet meadows.

**CROPLAND:** Land used primarily for the production of cultivated crops.

**SILVICULTURE:** The cultivation and management of forest trees.

**TOPOGRAPHY:** The detailed mapping or description of the features or surface configuration of an area.

**CONSERVATION PLAN:** The recorded decisions of a landowner or operator, cooperating with a conservation district, on how he plans, within practical limits, to use his land according to its capability and to treat it according to its needs for maintenance or improvement of the soil, water, and plant resources.

**LONG RANGE PLAN:** A comprehensive resource plan developed to assist in maintaining acceptable future environment.

**BMP:** Means the land management guidelines for the prevention and control of accelerated erosion and sediment damage.

**GRAZING SYSTEMS:** A specialization of grazing management which defines systematically recurring periods of grazing.

**CROPPING SYSTEM:** Where the crops grown are related to the erosion control system.

**PROTECTIVE COVER:** A residual cover of plant or crop material sufficient to prevent soil erosion.

**NORMAL (GEOLOGIC) EROSION:** The process by which the surface of the earth is worn away by the natural action of wind or water.

**MAN CAUSED EROSION:** Erosion resulting <sup>from</sup> mismanagement of range or agricultural lands by actions of other than natural forces.

**WATER QUALITY BUREAU:** Division of the State Department of Health and Environmental Science.



USGS: United States Geological Survey.

EPA: Environmental Protective Agency

DRAINAGE BASIN: Use U.S. Geological Survey definition.

CONSERVATION TILLAGE: Some type of noninversion tillage method that retains protective amounts of plant residue on or near the soil surface throughout much or all of the year.

FLEXIBLE CROPPING: A cropping designed to replace the crop-fallow system in areas of greater than 12 inches precipitation per year where the decision to plant is based on amount of soil moisture at planting time. The system is used to minimize erosion to saline seep.

WATER MANAGEMENT: Proper application of irrigation water to insure an ample supply of water for plant growth but to prevent loss of soil nutrients or plant food by run off or leaching.

CONSERVATION DISTRICT: Means the \_\_\_\_\_  
Conservation District, an existing legal political subdivision  
of the State of Montana. The boundaries of the district include  
all the territory within \_\_\_\_\_ excepting \_\_\_\_\_  
\_\_\_\_\_ as of (date) \_\_\_\_\_.

WATER QUALITY BUREAU: An agency of state government within the  
DHS.

MONTANA ASSOCIATION OF CONSERVATION DISTRICTS: A non-profit  
independent non-statutory association of conservation districts.

CONSERVATION PRACTICES: See BMP.

INCENTIVES: Reward or payment for implementing recommended Best  
Management Practices.

MONITORING: To observe and record an operation or condition.

TECHNICAL ASSISTANCE: Assistance or specialized knowledge given  
by persons trained in particular fields.

PERSUASION: To prevail on, influence or entice the thoughts  
or actions of individuals or groups.

GOALS: The ultimate achievement toward which effort is directed.

OBJECTIVES: Accomplishments or results that need to be achieved  
to reach the goal.

POLICY: A definite course of action adopted to accomplish a  
purpose.

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Definitions - page 3

CRITICAL AREA: A severely eroded sediment producing area which requires special management to establish and maintain vegetation in order to stabilize soil conditions.

SEDIMENT: Means the solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice, and has come to rest on the earth's surface.

APR 4 1978

AGREEMENT  
between  
U. S. DEPARTMENT OF AGRICULTURE AND  
U. S. ENVIRONMENTAL PROTECTION AGENCY  
on  
RURAL CLEAN WATER PROGRAM DESIGN

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Public Law 92-500, Section 208(j)

INTRODUCTION:

This Agreement represents the views of the U. S. Department of Agriculture and the U. S. Environmental Protection Agency on the national program of cost-sharing measures incorporating best management practices to control rural nonpoint source pollution as provided for in the Clean Water Act of 1977. The concepts in this Agreement will serve as the basis for the development of national program regulations that the Secretary of Agriculture must promulgate, with the concurrence of the Administrator, Environmental Protection Agency, by September 30, 1978.

BACKGROUND:

The Clean Water Act authorizes the Secretary of Agriculture, with the concurrence of the Administrator, Environmental Protection Agency, to establish and administer a program to enter into long-term contracts of not less than 5 years nor more than 10 years with rural landowners and operators for the purpose of installing and maintaining measures incorporating best management practices to control nonpoint source pollution for improved water quality.

Only those States or areas which have an approved agricultural portion of a 208 plan qualify for financial assistance to cost share the installation of measures incorporating best management practices to control nonpoint source pollution for improved water quality. To be eligible for financial assistance, a proposed Rural Clean Water Program (RCWP) project area must be included in an approved agricultural portion of a 208 plan and have documented agricultural nonpoint source water quality problems. The agricultural portion of the 208 plan must:

- o show that, based on adequate problem assessment, significant agriculture nonpoint source problems exist;
- o contain a list, in order of priority, of the most severe agriculture nonpoint source problem areas and sources;
- o identify the best management practices to control the problem(s);
- o designate a management agency to implement the agriculture portion of the 208 plan(s) for which financial assistance is requested; and
- o include a schedule of implementation and provide for adequate resources to manage the program.

The agricultural problem priorities and the best management practices identified in the approved agricultural portion of the 208 plan, form the basis of the priority projects to be approved and the best management practices to be cost shared.

The management agency(s) designated by the Governor to implement the agriculture portion of the 208 plan must assure an adequate level of participation before contracts are entered into. The contracts are to be based on a plan approved by the soil conservation district, and the best management practices cost shared must be certified by the designated management agency as consistent with the approved 208 plan. Local soil conservation districts and the ASC County Committee, the Secretary's designee, determine the priority of assistance among individual landowners or operators to assure that the most critical water quality problems are addressed.

The Secretary of Agriculture shall, where practicable, enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program. Where this is not feasible, the Secretary of Agriculture, or his designee at the State level will administer the program.

On February 3, 1978, the Secretary of Agriculture outlined the organization for implementing RCWP and established a National Rural Clean Water Coordinating Committee, chaired by the Administrator, Soil Conservation Service. The National Rural Clean Water Coordinating Committee is to include: Administrators of the Agricultural Stabilization and Conservation Service (ASCS), Forest Service (FS), Farmers Home Administration (FmHA), Science and Education Administration (SEA), Economics, Statistics and Cooperative Service (ESCS), and the Assistant Administrator of Water and Hazardous Materials, Environmental Protection Agency (EPA).

A State Rural Clean Water Coordinating Committee will also be established. It will be chaired by the State Conservationist, Soil Conservation Service. The State Coordinating Committee is to include the State 208 water quality agency; a designated representative of the areawide agencies; the State soil and water conservation agency; other State agencies as the Governor deems appropriate; and representatives of the members of the National Rural Clean Water Coordinating Committee.

On February 16, 1978, (43 F.R. 8252) the Secretary of Agriculture delegated responsibility for the administration of the program to the Administrator, Soil Conservation Service.

#### PROGRAM RESPONSIBILITIES:

##### U. S. Department of Agriculture

##### The Secretary of Agriculture will:

- o with the concurrence of EPA, establish and administer a program to enter into contracts for the purpose of installing and maintaining measures incorporating best management practices to control nonpoint source pollution for improved water quality;
- o act through the Soil Conservation Service and such other agencies of the Department as the Secretary may designate;
- o provide technical assistance and share the cost for carrying out those conservation practices and measures set forth in the contracts;

- o enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program;
- o together, with local soil conservation districts, determine the priority of assistance among individual landowners and operators to assure that the most critical water quality problems are addressed;
- o assist in evaluating the overall effectiveness of the program in improving water quality;
- o promulgate regulations for carrying out the program not later than September 30, 1978;
- o make additional investigations or plans, where necessary, to supplement approved water quality management plans, in order to determine rational priorities;

#### U. S. Environmental Protection Agency

##### The Administrator will:

- o with USDA assistance, issue guidance amplifying the requirements of the agricultural portion of the 208 plan in order to be eligible for RCWP cost-share assistance;
- o approve 208 water quality management plans;
- o assist in the development of RCWP;
- o concur in the final program regulations;
- o participate in the National and State Rural Clean Water Coordinating Committees;
- o concur by letter in the determination of national priority areas to be funded;
- o advise the Secretary of Agriculture as to the practices that would tend to defeat the purposes of the contract;
- o assist USDA evaluate the effectiveness of the program on improving water quality;

##### National Rural Clean Water Coordinating Committee: -

- o Chairman: Administrator, Soil Conservation Service
- o Members: Administrators of Agriculture Stabilization and Conservation Service; Forest Service; Farmers Home Administration; Science and Education Administration; Economics, Statistics and Cooperative Service; and the Assistant Administrator of Water and Hazardous Materials, Environmental Protection Agency. Nonfederal agencies and organizations are welcome to attend as observers.

o The duties of the Committee are to:

- coordinate individual agency programs with the Rural Clean Water Program;
- advise the Administrator, Soil Conservation Service, the Secretary's designee, on the national priority areas to be funded for cost share;
- advise the Administrator, Soil Conservation Service, the Secretary's designee, on variances to the 50 percent cost-share rate;
- assist the Administrator, Soil Conservation Service, in determining program administration, technical assistance and cost-share needs;
- assist the Administrator, Soil Conservation Service, mediate agency differences resulting from individual agency actions at the State and local level;
- periodically advise the Secretary and Assistant Secretary for Conservation, Research and Education of program and policy issues.
- recommend areas for comprehensive joint USDA/EPA water quality monitoring, evaluation, and analyses.

State Coordinating Committee:

o Chairman: State Conservationist, Soil Conservation Service

o Members: State 208 water quality agency; a designated representative of the areawide agencies; State soil and water conservation agency; a designated representative of soil and water conservation districts; other State agencies as the Governor deems appropriate; and representatives of the members of the National Rural Clean Water Coordinating Committee.

o The duties of the Committee are to ensure that a process exists to:

- consult with the Governor or his designee in his determination of priority areas;
- prepare the RCWP applications for the Governor to submit to the Secretary of Agriculture or his designee based on priorities established by the Governor or his designee. The applications are to include:
  - an assessment of the agricultural nonpoint source pollutants that exist and their impact on water quality in the proposed area;
  - a description of the proposed project area;

- a certification by the management agency designated by the Governor to implement the agricultural portion of the 208 plan for the area or source that the best management practices to be cost shared are consistent with the approved 208 plan;
  - an indication by the management agency designated by the Governor to implement the agricultural portion of the 208 plan that the management agency will be able to assure an adequate level of participation before contracts are executed;
  - an estimate of the resources required to cost share the best management practices, to provide technical assistance and to administer the program in a project area;
  - recommended variances in the 50 percent cost-share rate;
  - the data/information that will be used by the State Coordinating Committee to monitor and evaluate the areas funded in accordance with the rules and regulations promulgated on RCWP;
  - the recommended method to administer RCWP in the area and the supporting documentation that the agency recommended to administer the program has the capability to do so in accordance with the rules and regulations promulgated on RCWP; and
  - such other information that the rules and regulations promulgated on RCWP may require;
- monitor and evaluate the RCWP project areas and RCWP in the State;
  - develop procedures to insure coordination between conservation districts and ASC County Committees and between RCWP and other water quality programs at the local level.
  - where the Governor or his designee and the Secretary of Agriculture or his designee deems appropriate, the process for the accomplishment of the above activities will be set forth in an agreement.

#### RCWP PROJECT AREAS:

An RCWP project area is a hydrologically related unit (exceptions can be made for ease of administration, i. e., an entire farm unit) with critical water quality problems that result from agricultural activities. To be designated as an RCWP project area eligible for financial assistance, the area's water quality problems must be related to agricultural pollutants, such as high nitrogen and phosphorus levels, toxics (pesticides), high TDS readings, high BOD and coliform levels, or sediment.



Adverse water quality impacts from agricultural activities occur when water quality standards are violated or when beneficial water uses are impaired. This is to be defined in terms of the pollutants preventing the attainment of water quality goals or degrading existing water quality.

The size of the area will depend on the type of agricultural activities and pollutants involved. An RCWP project area must be of manageable size to demonstrate results within the contract period. Generally, the areas will be less than 200,000 acres. Only those acres or sources of pollutants significantly contributing to the water quality problems are eligible for cost-sharing assistance.

#### ADEQUATE PARTICIPATION:

Contracts are to be entered into only in areas where the management agency designated by the Governor to implement the agricultural portion of the 208 plan assures an adequate level of participation. An adequate level of participation is where 75 percent of the critical acreage or source of the pollutant problem will be under contract, except for those areas where the approved agricultural portion of the 208 plan provides data and analyses which indicate a greater or lesser percentage of the acreage or source of the pollutant must be treated to attain water quality standards or water quality goals. A letter of assurance and strategy for reaching an adequate level of participation will be presented in the RCWP project application by the designated management agency.

#### PRIORITIES:

RCWP project priority areas will be determined according to the following criteria:

- o severity of the water quality problem impacted by the agricultural pollutants;
- o economic and technical feasibility to control the problem(s) within the life of the contract (an upper limit of a per acre or per project area cost may be required);
- o demonstration of public benefits from the project; and
- o compatibility with national water quality goals.

The Governor or his designee will recommend to the Secretary of Agriculture RCWP project areas for cost-share assistance in order of priority. The priorities will be based on the priorities in the approved agricultural portion of the State 208 plan and in approved agricultural portions of the areawide 208 plan. Initially, only the highest priority RCWP project areas proposed in each State will receive consideration.

#### PRACTICES COST-SHARED:

Practices eligible for cost sharing shall incorporate those best management practices identified in the approved agricultural portion of the 208 plan and certified by the designated management agency as consistent



with that approved plan. Measures incorporating best management practices to be cost shared must have a positive affect on water quality by (a) either preventing the pollutant from entering the stream, or (b) reducing the amount of the pollutant that is applied to the land. It is recognized that the plans upon which the contracts are to be based may include conservation practices other than these related to water quality practices, and are not eligible for cost sharing under this program. The installation of nonwater quality related practices will not be required as a condition of participation in the program.

Cost-sharing assistance will not be made available for:

- o measures having drainage as the primary purpose (subsurface drainage for irrigation water management may be eligible);
- o measures having flood protection (reservoirs or channelization) as the main purpose;
- o measures which result primarily in bringing additional land into crop production.

Requests for cost sharing other than agricultural practices will be evaluated on a case-by-case basis in terms of their impact on improving water quality in the RCWP project areas. Practices recommended for such cost-share assistance are to be included in RCWP project area proposal applications.

#### COST-SHARE ELIGIBILITY AND RATES:

Only private lands are eligible for cost-share assistance.

The Secretary of Agriculture together with the local conservation district will determine the priority of assistance among individual landowners and operators to assure that the most critical water quality problems are addressed. The Secretary is also to determine the portion of such cost to be shared to ensure the installation of practices to be contracted. Corporations whose ownership is public (i. e., their stock is traded over the market) would be eligible for cost-share assistance only if the corporation could document that installation of best management practices places an inappropriate financial burden on the corporation that cannot be met. USDA regulations should clearly define the owner/operators and pooling arrangements which are eligible for cost-share assistance.

States or local communities (counties, etc.) with their own cost-share programs to implement best management practices for water quality improvement may receive additional financial assistance through funding of other priority RCWP project areas within a State.

The Act provides for 50 percent cost-share rate. Recommended variances to the 50 percent rate must be fully documented in the RCWP applications and approved by the Secretary of Agriculture or his designee, based on the following criteria:

- o documented financial burden that will prevent adequate participation in the program;
- o substantial water quality benefits but which require a long-term farm investment and/or reduce farm income;
- o severity of the water quality problem(s) to be abated.
- o compatibility with rates of other cost-share programs;
- o acceptability of the practice(s) in the area. Commonly applied practices would receive less cost-share assistance than innovative best management practices.

#### ADMINISTRATIVE COSTS:

The primary objective of the program is to cost share the installation of best management practices. Administrative and overhead costs, including administrative personnel, travel, supplies, and contract preparation, administration, and payment should receive only a small percentage of the funds available.

#### REPORTING:

A report on each RCWP project area is required to assist the Administration and Congress in determining the overall effectiveness of the program on improving water quality. Agencies administering the program in each project area will be required by the Secretary of Agriculture or his designee to submit reports on the accomplishments of the program (i. e., practices planned and applied).

#### EVALUATION:

USDA and EPA in consultation with the National Rural Clean Water Coordinating Committee will select RCWP project areas for comprehensive water quality monitoring, evaluation, and analyses. The areas selected for detailed analyses will be representative of agricultural nonpoint source pollution problems. The analyses will be used to evaluate the cost and effectiveness of alternative best management practices and to provide information on the impact of the best management practices on water quality. This water quality monitoring and evaluation will be coordinated with the State Rural Clean Water Coordinating Committee and State water quality monitoring programs.

Concurrence:

Concurrence:

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Assistant Administrator Water and  
Hazardous Materials  
U. S. Environmental Protection Agency

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Assistant Secretary for Conservation  
Research and Education  
U. S. Department of Agriculture

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DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20250

FEB 3 1973

SUBJECT: Organization for Implementing the Rural Clean Water Program

TO: Bob Bergland, Secretary of Agriculture

This is my recommendation for leadership and program design to implement Section 35 of the 1977 Clean Water Act (Public Law 95-217).

This recommendation was basically outlined as Organization Plan I, which provides for Soil Conservation Service (SCS) leadership in the program and will be administered as follows:

National

There will be a Rural Clean Water Coordinating Committee, chaired by the Soil Conservation Service Administrator.

As a lead agency, SCS will develop rules and procedures and manage budgeting, accounting, and reporting. The Agency will provide technical support leadership to States, evaluate program operations, and approve agreements.

The Agricultural Stabilization and Conservation Service (ASCS) will provide guidance to State and county Agricultural Stabilization Conservation (ASC) committees and coordinate Agricultural Conservation Programs (ACP) with Rural Clean Water Programs.

The Environmental Protection Agency will approve 208 plans and provide concurrence in U.S. Department of Agriculture (USDA) rules, regulations, and project proposals.

Other USDA agencies will be represented in the Committee and will provide support as appropriate.

State

The Administrator of SCS, for the Secretary of Agriculture, will enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies, where practicable (as described in the law), for administration of the program. These agencies of State Government will be required to submit records of cost-share disbursements to the State ASC Committee and to the State Conservationist, SCS.

Bob Bergland

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In those instances where the administration of contracts is retained by USDA, SCS will enter into cooperative agreements for the transfer of funds to ASCS for allocation of funds to ASC county committees which will make cost-share payments to individuals, and provide the associated records and reports. Payments will be made upon certification by the designated SCS technician.

The State ASCS will consolidate the annual cost-share disbursements made by the State and local agencies as well as those disbursed by the State ASC Committee.

SCS will enter into cooperative agreements with other USDA agencies as appropriate for support which they will provide.

Project Area (local)

There will be a committee to coordinate project determination among the 208 management agencies, soil conservation districts, and other USDA and State-support agencies.

SCS will provide technical assistance and prepare and transmit budget requests, progress, and other needed reports. In addition to developing plans and contracts, SCS will provide review and accounting and develop training programs.

ASCS will furnish data on land use, crop history and cost-shared conservation measures for the program; and review plans and contracts to assure coordination with other farm programs.

ASC county committees, in those counties selected for participation in the Rural Clean Water Program will represent the Secretary of Agriculture in determining priority of assistance among individual land owners and operators, together with the local soil conservation district, based on technical information provided by SCS. Where USDA retains administration of the program, land owners and operators will make application for contracts to county ASC committees.

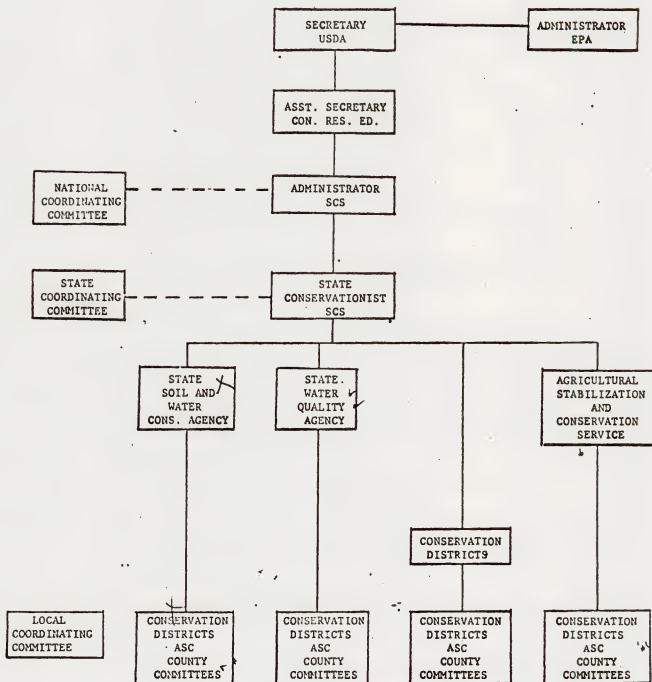
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M. Rupert Cutler  
Assistant Secretary for  
Conservation, Research and Education

  
Approved

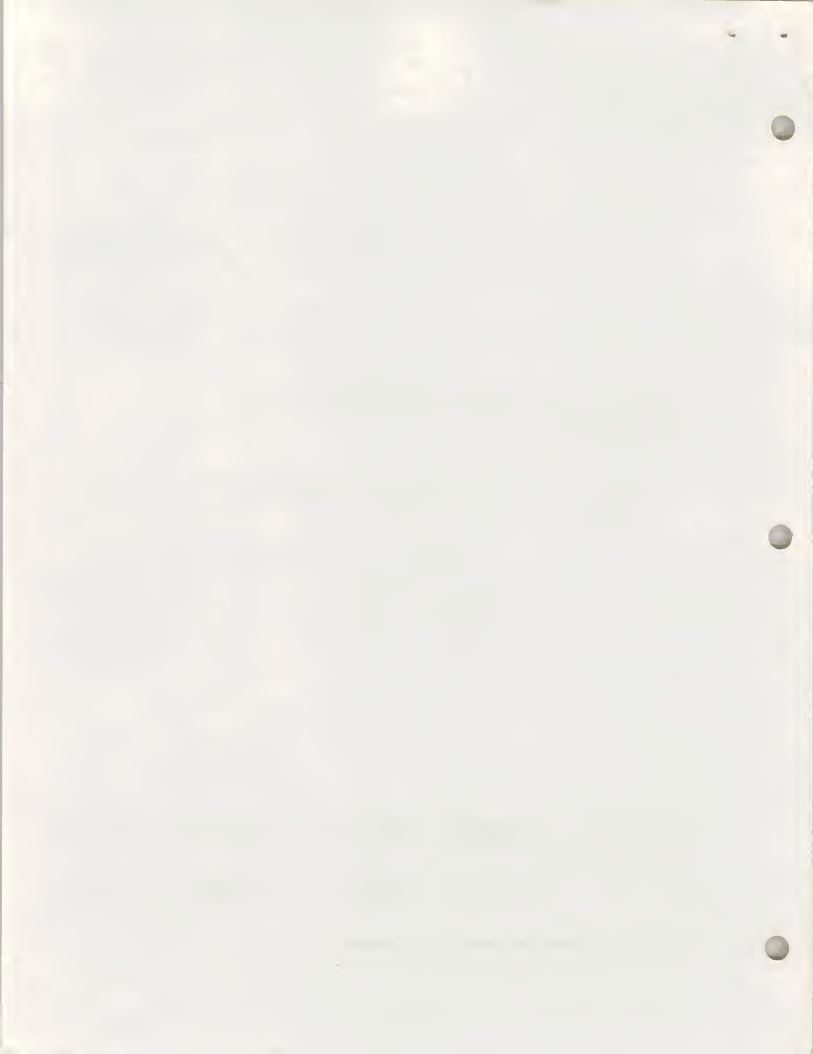
FILE

Date

SCHEMATIC  
FOR  
ADMINISTRATION OF RCWP 1/



1/ TECHNICAL SUPPORT NOT SHOWN IN THIS SCHEMATIC.





CONSERVATION DISTRICT NONCOMPLIANCE REFERRAL FORM

The \_\_\_\_\_ Conservation District has made a substantial effort to solve the Nonpoint Source Water Quality Problem in the \_\_\_\_\_ drainage in \_\_\_\_\_ County on land occupied by \_\_\_\_\_. The description of the problem, its cause and the physical features (soil type, topography, rainfall, etc.) which are pertinent to the solution are: \_\_\_\_\_

\_\_\_\_\_

The District has attempted on \_\_\_\_\_ (date) \_\_\_\_\_, \_\_\_\_\_ (date) \_\_\_\_\_, \_\_\_\_\_ (date) \_\_\_\_\_, to educate and persuade the land occupier to take action which would solve or minimize the nonpoint source water quality problem. The District offered the following solution: \_\_\_\_\_

\_\_\_\_\_

technical help: \_\_\_\_\_,

financial help: \_\_\_\_\_,

to accomplish that goal.

At this time the District's Board of Supervisors have decided, considering the time and costs already devoted and estimated future needs to acquire compliance with the recommended or some worthy solution without progress towards that goal, to refer the problem to the Department of Health and Environmental Sciences (DHES). The District is referring this problem to the DHES for their consideration and authority under the Montana Water Pollution Control Act (Title 69, Chapter 48, R.C.M. 1947) to deal with the problem and thereby relieving the District's educational, technical and funding resources to deal with other priority district problems.

DATED: \_\_\_\_\_

SUPERVISORS: (1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_



Water Quality Plan Monitoring. Basin Example

Pollutant, Problem and BMP's	BMP Implementation		Investment		Service Man-Days	
	1977	1978	1977	1978	1977	1978
I. Sediment						
A. Dry cropland soil erosion						
1. Stubble mulch	3,000 A	7,000 A	\$6,000	\$14,000	10	25
2. Grassed waterway	500 A	2,000 A	5,000	20,000	20	100
3. Contour strip cropping	None	1,000 A	None	5,000	None	5
4. Strip cropping	1,000 A	8,000 A	None	None	5	20
B. Stream bank erosion						
1. Livestock exclusion	None	10 miles	None	\$10,000	None	20
2. Revegetation of banks	None	5 miles	None	2,500	None	40
3. Shelterbelt planting	None	10 A	None	None	None	5
II. Animal Waste						
A. Feed lot						
1. Relocation	None	8 A	None	\$24,000	None	10
2. Lagoon	4 A	12 A	\$8,000	24,000	None	5
3. Revegetation	None	8 A	None	None	None	1
B. Winter feeding area						
1. Livestock exclusion	20 A	100 A	\$10,000	\$50,000	10	50
2. Manure management	None	200 A	None	None	None	2
3. Area rotation	None	500 A	None	None	None	2

